

1 IN THE UNITED STATES BANKRUPTCY COURT  
2 FOR THE DISTRICT OF MARYLAND  
3 In re:  
4 Brenda M. Fletcher Case No.: 1:11-bk-21424  
Debtor  
5 Chapter 13  
6 Brenda M. Fletcher Adversary Proceeding No.:  
19-ap-00218  
7 vs.  
8 U.S. Bank, National  
Association, et al.  
9 Defendants  
10  
11 DEPOSITION OF GINA FEEZER  
12 DATE: November 3, 2022  
13 TIME: 10:05 a.m. - 3:27 p.m.  
14 PLACE: Via Videoconference  
15  
16 Examination of the witness taken before:  
17 Robin Reynolds, Court Reporter  
18  
19  
20 FIRST COAST COURT REPORTERS  
21 2442 ATLANTIC BOULEVARD  
JACKSONVILLE, FLORIDA 32207 (904) 396-1050  
22  
23  
24  
25

Witness: Page  
GINA FEEZER 4  
Direct Examination Mr. Finner 4  
Cross Examination By Mr. Crowley 109  
Further Examination By Mr. Finner 117  
Further Examination By Mr. Crowley 121

EXHIBITS

Plaintiff's Exhibit No.: Page  
(referenced, not attached)  
1 - Fifth Amended Notice of Taking Deposition 5  
2 - Third Amended Complaint 8  
3 - Answer Re: U.S. Bank and PHH 9  
6 - Discovery Responses (multi-docs) 13  
9 - Second Request for Production of Documents 15  
13 - Aurora's Payment History 17  
20 - copy of Aurora check request, business records, plus section of transaction history 18  
15 - Export of Loan Transaction History by PHH for June of 2019 through December of 2019 27  
16 - Servicing History 32  
12 - Multi-page Loan Document info 42  
18 - Comment Log 43  
19 - Exported Comments from PHH 77  
21 - Compilation of emails between Lolita Millner and Michael Altman 84  
22 - System Reports as relates to Disputed Items 89

FIRST COAST COURT REPORTERS

2

1 A P P E A R A N C E S  
2  
3 **W E N D E L L F I N N E R , E S Q U I R E**  
4 Wendell Finner, P.C.  
P.O. Box 246  
Oakland, Maryland 21550  
5  
6 appearing on behalf of the Plaintiff.  
7 **F R A N C I S X . C R O W L E Y , E S Q U I R E**  
8 Blank Rome LLP  
One Logan Square  
9 130 North 18th Street  
Philadelphia, Pennsylvania 19103  
10  
11 appearing on behalf of the Defendant.

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4

1 S T I P U L A T I O N  
2 It was stipulated and agreed by and between  
3 counsel for the respective parties, and the  
4 witness, that the reading and signing of the  
5 deposition by the witness be RESERVED.  
6 - - -  
7 **G I N A F E E Z E R**  
8 who, after having been first duly sworn by the  
9 above mentioned Court Reporter, was examined and  
10 did testify as follows:  
11 **D I R E C T E X A M I N A T I O N**  
12 **B Y M R . F I N N E R :**  
13 **Q** Good morning, Ms. Feezer.  
14 **A** Good morning.  
15 **Q** My name is Wendell Finner and I  
16 represent the plaintiff in this matter.  
17 How are you doing this morning?  
18 **A** I am good. How are you?  
19 MR. FINNER: Well, thanks. Frank, did  
20 you receive and maybe forward to the witness  
21 a Dropbox share containing exhibits?  
22 MR. CROWLEY: Unfortunately our system  
23 doesn't like Dropbox; we've had difficulty  
24 to be able to access the exhibits.  
25 (Brief recess.)

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1 BY MR. FINNER:  
 2 **Q** Thank you for your patience and  
 3 indulgence in getting the exhibits straight.  
 4 Ms. Feezer, could you go ahead and open  
 5 up the document titled 1?  
 6 **A Okay.**  
 7 **Q** Have you seen Exhibit 1 before?  
 8 **A I have.**  
 9 **Q** What is it?  
 10 **A It's a copy of the Fifth Amended Notice**  
 11 **of Taking Deposition, which is scheduled for**  
 12 **today.**  
 13 **Q** Are you here today in response to that  
 14 document?  
 15 **A I am.**  
 16 **Q** Are you the person who is designated by  
 17 the defendants to give testimony with respect to  
 18 each of the subjects contained in the numbered  
 19 paragraphs of Exhibit 1?  
 20 MR. CROWLEY: Objection to the form.  
 21 For the record, Ocwen has objected as of  
 22 November 1st to certain categories, so the  
 23 witness is not being produced with regard to  
 24 the categories to which there is an  
 25 objection.

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6

1 You may answer.  
 2 **A With respect to the categories that were**  
 3 **named -- or the topics that was named, yes, to**  
 4 **the extent of the information that our business**  
 5 **records would have that would relate to each of**  
 6 **these topics.**

7 BY MR. FINNER:  
 8 **Q** Can you identify any numbered paragraphs  
 9 of Exhibit 1 that describe areas of testimony for  
 10 which you are not designated by Ocwen?

11 MR. CROWLEY: Again, for the record, the  
 12 witness is not designated with regard to  
 13 those we objected to. You have our  
 14 objections.

15 MR. FINNER: Are you instructing the  
 16 witness not to answer?

17 MR. CROWLEY: If the witness knows  
 18 specifically which ones the objections are  
 19 raised to, the witness may state.

20 If she does not, then she may answer to  
 21 the extent she's capable of doing so.

22 **A I didn't review the objections so I'm**  
 23 **not exactly sure.**

24 **Like I said, I reviewed the deposition**  
 25 **notice with counsel, went over our business**

FIRST COAST COURT REPORTERS

1 **records to the extent of the information that we**  
 2 **have that's contained within these topics. So**  
 3 **that's the best that I can give you for a**  
 4 **response.**

5 BY MR. FINNER:

6 **Q** Are you the person designated -- well,  
 7 let me back up.

8 Could you state the name of your  
 9 employer, please, Ms. Feezer?

10 **A Financial Corporation.**

11 MR. CROWLEY: I'm sorry. You may have  
 12 cut off there a little.

13 **A Ocwen Financial Corporation.**

14 BY MR. FINNER:

15 **Q** Are you familiar with the entity known  
 16 as Ocwen Loan Servicing LLC?

17 **A Yes.**

18 **Q** Do you understand Ocwen Loan Servicing  
 19 LLC to be a defendant in this lawsuit?

20 **A I'm not sure.**

21 **Q** Has Ocwen Loan Servicing LLC instructed  
 22 you to do anything with regard to this lawsuit?

23 MR. CROWLEY: I'm going to instruct her  
 24 not to answer with regard to any  
 25 conversation that we have had in-house or

FIRST COAST COURT REPORTERS

8

1 with outside counsel. You may answer,  
 2 otherwise.

3 **A I don't understand your question. And,**  
 4 **with respect to Ocwen Loan Servicing from --**  
 5 **Ocwen Loan Servicing is no longer Ocwen Loan**  
 6 **Servicing. Ocwen Loan Servicing merged into PHH**  
 7 **Mortgage.**

8 **With respect to whether or not Ocwen**  
 9 **Loan Servicing is a party, I don't know; I can't**  
 10 **answer that legally. With respect to them being**  
 11 **named as a party, it would be as it was named in**  
 12 **the complaint.**

13 **So the clarification of your question is**  
 14 **a little bit ambiguous to me based on who the**  
 15 **entity is now that stands in -- as named as Ocwen**  
 16 **Loan Servicing.**

17 BY MR. FINNER:

18 **Q** Would you open up Exhibit 2, please?

19 **A Okay.**

20 **Q** Have you seen Exhibit 2 before?

21 **A Yes, I have.**

22 **Q** What is it?

23 **A This is a copy of the Third Amended --**

24 **Q** Go ahead and repeat your answer, please.

25 **A Yes. It is a copy of the Third Amended**

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1 **Complaint.**

2 **Q** I am going to turn off my video in the  
3 hopes that it reduces the load on whatever is  
4 going on with the internet.

5 Could you open up Exhibit 3, please?

6 **A Okay.**

7 **Q** Have you seen this document before?

8 **A Yes.**

9 **Q** What is it?

10 **A This is the Answer With Respect to U.S.**  
11 **Bank and PHH.**

12 **Q** Okay. When you say PHH, does that refer  
13 to a particular legal entity that you are  
14 familiar with?

15 **A Well, as been previously stated, Ocwen**  
16 **Loan Servicing merged into PHH Mortgage**  
17 **Servicing. So, with Ocwen Loan Servicing LLC no**  
18 **longer being an entity, I refer to as PHH.**

19 **Q** The caption of Exhibit Number 3  
20 identifies an entity called PHH Mortgage  
21 Corporation.

22 That's the name of the entity you are  
23 referring to as PHH?

24 **A Yes, sir.**

25 **Q** What is the relation -- first, could you  
FIRST COAST COURT REPORTERS

10

1 give the name of your employer again, please?

2 **A Ocwen Financial Corporation.**

3 **Q** What's the relationship between Ocwen  
4 Financial Corporation and PHH Mortgage  
5 Corporation?

6 **A They are an indirect subsidiary to Ocwen**  
7 **Financial Corporation. They are the servicing**  
8 **arm of what used to be Ocwen Loan Servicing. PHH**  
9 **Mortgage Servicing is now that mortgage servicing**  
10 **in its entity.**

11 **Q** When you say PHH Mortgage Servicing, is  
12 that a different entity from PHH Mortgage  
13 Corporation?

14 **A Well, it's -- no, it's the same**  
15 **corporation. I refer to it as PHH, as opposed to**  
16 **PHH Mortgage.**

17 **For purposes of this, I'll refer to it**  
18 **as PHH, if you don't mind, otherwise, yes, the**  
19 **entity's name is PHH Mortgage Corporation.**

20 **Q** Does PHH Mortgage Corporation own Ocwen  
21 Financial Services?

22 **A Does PHH own Ocwen Financial Services?**  
23 **I didn't understand.**

24 **Q** Are they a parent or subsidiary?

25 **A Parent.**

FIRST COAST COURT REPORTERS

1 **Q** Ocwen Financial Services owns PHH

2 Mortgage Corporation; is that your understanding?

3 **MR. CROWLEY:** Objection,  
4 mischaracterizes prior testimony. You may  
5 answer.

6 **A First of all, it's Ocwen Financial Corp,**  
7 **and it's not with respect to ownership; it is a**  
8 **subsidiary to Ocwen Financial Corp with respect**  
9 **to the servicing portion of the company.**

10 **It's not -- it was -- it has the same**  
11 **function that Ocwen Loan Servicing LLC had prior**  
12 **to the merger.**

13 **BY MR. FINNER:**

14 **Q** When you say "it," are you referring now  
15 to PHH?

16 **A Correct; the servicing arm. When I say**  
17 **"it," it's the servicing arm, whether it be Ocwen**  
18 **Loan Servicing LLC, who then merged into PHH;**  
19 **that is PHH is still now the servicing arm by**  
20 **merger with respect to Ocwen Loan Servicing.**

21 **Q** And is PHH, in your understanding, a  
22 division or subsidiary of Ocwen Financial --

23 **MR. CROWLEY:** Objection to form to the  
24 extent it calls for a legal conclusion.

25 You may answer with regard to what you  
FIRST COAST COURT REPORTERS

12

1 understand of the business relationship of  
2 PHH.

3 **A I already stated it was a subsidiary to**  
4 **Ocwen Financial Corporation.**

5 **BY MR. FINNER:**

6 **Q** When you say "it," you mean PHH?

7 **A Yes.**

8 **Q** Sorry that's confusing. Looking at  
9 Exhibit Number 3, do the numbered paragraphs in  
10 Exhibit Number 3 --

11 **MR. CROWLEY:** You broke up there,  
12 Mr. Finner.

13 **BY MR. FINNER:**

14 **Q** Is Exhibit Number 3 the current Answer  
15 to PHH of the allegations of the complaint that  
16 you saw as Exhibit Number 2?

17 **A Yes. It states it's the Answer to the**  
18 **Third Amended Complaint.**

19 **Q** Are there any amendments to Exhibit  
20 Number 3 which you understand are necessary to  
21 completely PHH's response to the complaint?

22 **MR. CROWLEY:** Objection to form. You  
23 can answer.

24 **A I would not know that independent of**  
25 **knowledge from counsel. So, in order to respond**

FIRST COAST COURT REPORTERS

1 to that, I don't think that I can without giving  
2 you a legal answer.  
3 I don't know. That would be something I  
4 would ask counsel.

5 BY MR. FINNER:

6 Q Okay. Could you open up Exhibit Number  
7 6, please?

8 A Okay.

9 Q Have you seen Exhibit Number 6 before?

10 A Yes, I have.

11 Q What is it?

12 A It's a response with respect to  
13 discovery, and it covers the multiple -- it was  
14 Plaintiff's First Request for Production of  
15 Documents, and it was the objections as well as  
16 the notations of the Bates-stamped business  
17 records that was produced pursuant to the  
18 categories.

19 Q Did you have any personal involvement in  
20 PHH's response to Ms. Fletcher's First Request  
21 for Production of Documents?

22 A No, I did not.

23 Q Other than the documents which have been  
24 withheld under an assertion of attorney/client  
25 privilege, are you aware of any documents that

FIRST COAST COURT REPORTERS

14

1 PHH has that are responsive to the first request  
2 which has not been produced?

3 MR. CROWLEY: Again, try not to disclose  
4 any communication you had with counsel. You  
5 may respond.

6 A Well, to be honest, I did not do any  
7 type of analysis of the production of documents  
8 as it was -- as they were produced or presented  
9 with respect to how legal counsel felt a response  
10 needed to be as related to the complaint. What I  
11 can state is that I reviewed the business records  
12 and the production of documents in preparation  
13 for my deposition, and the business records that  
14 were produced were -- or the Bates-stamped  
15 records that I reviewed are the records that I  
16 reviewed in our business-records-system image  
17 of -- our business records images.

18 So, with respect to the response, I  
19 defer to legal counsel to answer that question.

20 But, with respect to the business  
21 records, yes, the business records that were  
22 produced and Bates stamped were business records  
23 of Ocwen Loan Servicing, now PHH.

24 BY MR. FINNER:

25 Q Are you aware of any business records

FIRST COAST COURT REPORTERS

1 which were withheld from production?

2 MR. CROWLEY: I object to form.

3 A Well, with respect -- I wasn't involved  
4 with the production. I can't -- I don't know,  
5 basically, the answer. I don't know.

6 BY MR. FINNER:

7 Q Go ahead and open up, please, Exhibit  
8 Number 9.

9 A Okay.

10 Q Have you seen Exhibit Number 9 before?

11 A I have.

12 Q What is it?

13 A This is the Second Request for  
14 Production of Documents.

15 Q Would you read the title of Exhibit  
16 Number 9, please?

17 A PHH Corporation Successor Merger to  
18 Ocwen Loan Servicing LLC's Response to  
19 Plaintiff's Second Request for Production of  
20 Documents.

21 Q Does reading that title modify in any  
22 way your understanding of what Exhibit Number 9  
23 is?

24 MR. CROWLEY: Objection to form.

25 A I don't understand your question.

FIRST COAST COURT REPORTERS

16

1 BY MR. FINNER:

2 Q What do you understand this document to  
3 be?

4 A It is the defendant's response to a  
5 Second Request for Production of Documents from  
6 the plaintiff.

7 Q Do you have an understanding as to  
8 whether PHH has produced all responsive documents  
9 to that Second Request for Production of  
10 documents?

11 MR. CROWLEY: Objection to the extent  
12 that you would have to rely on information  
13 provided to you by counsel.

14 A Again, my answer isn't going to change  
15 from the prior production, in that I wasn't  
16 involved.

17 And the question that you are asking me  
18 involves information that, based on the  
19 litigation, that the servicer would have provided  
20 to our counsel and our counsel would have  
21 responded as appropriate to the categories.

22 So, with respect to anything beyond what  
23 was produced, then those are my business records;  
24 I can talk about those. The legal questions you  
25 are asking me, I wouldn't have any knowledge

FIRST COAST COURT REPORTERS

1 **outside of discussions with counsel.**  
 2 BY MR. FINNER:  
 3 **Q** Is your answer, again, that you don't  
 4 know whether all business records that are  
 5 responsive have been produced?  
 6 **A** I would not have -- I would have to ask  
 7 legal counsel that question, because -- no, I  
 8 don't have that knowledge. It was -- this is a  
 9 legal document. We produced our business  
 10 records. That was -- that would have been, how  
 11 should I say -- whatever would have been subject  
 12 to production would have been produced, as  
 13 stated, within the second request of how each  
 14 category was responded to.  
 15 **Q** Okay. Open up, if you would, please,  
 16 Exhibit Number 13.  
 17 **A** Okay.  
 18 **Q** Ms. Feezer, have you seen Exhibit Number  
 19 13 before?  
 20 **A** Yes, I have. I'm trying to see which  
 21 copy this is.  
 22 **Q** What is Exhibit Number 13?  
 23 **A** A copy of Aurora's payment history, and  
 24 it looks like it was just the portion that  
 25 contains the -- doesn't contain the bankruptcy

FIRST COAST COURT REPORTERS

1 **accounting, just contains the ongoing -- their**  
 2 **ongoing balances.**  
 3 **Q** And when you refer to Aurora, are you  
 4 referring to a particular entity?  
 5 **A** Well, it was the prior servicer who was  
 6 servicing the loan prior to it being transferred  
 7 to Ocwen.  
 8 **Q** Do you know the date of that servicing  
 9 transfer?  
 10 **A** Not off the top of my head, no.  
 11 **Q** Would you open up, please, Exhibit  
 12 Number 20.  
 13 **A** Okay.  
 14 **Q** Do you have that in front of you?  
 15 **A** Yes.  
 16 **Q** Please review all of the pages of  
 17 Exhibit Number 20 and then tell me if you have  
 18 seen this document before.  
 19 **A** Well, Exhibit Number 20 is actually two  
 20 documents. The first, page one, is a copy of  
 21 Aurora check request. And then pages 2 through  
 22 11 is actually a copy of Aurora's business  
 23 records and a section of their transaction  
 24 history.  
 25 **Q** Do the business records of PHH contain

FIRST COAST COURT REPORTERS

1 any documents from Aurora other than the five  
 2 pages of Exhibit Number 13 and the 11 pages of  
 3 Exhibit Number 20?  
 4 **A** There is a -- so, Exhibit 13, like I  
 5 said, is a copy of PHH's transaction history.  
 6 But, once Ms. Fletcher filed bankruptcy, they  
 7 removed a section of the accounting and placed  
 8 that -- I don't see that in this transaction  
 9 history.  
 10 **And, with respect to 20, this section**  
 11 **has -- the top portion of it actually has the**  
 12 **accounting with respect to the amount that was**  
 13 **removed from Exhibit Number 20 -- I'm sorry, not**  
 14 **Exhibit Number 20 -- Exhibit 13, the sums. So**  
 15 **those are -- those two transaction histories**  
 16 **together account for the missing section of the**  
 17 **history in 13.**  
 18 **Q** What do you mean when you say "missing  
 19 section of the history"?  
 20 **A** Well, I think that the manner in which  
 21 they conducted their -- Aurora, the manner in  
 22 which they conducted their Bankruptcy Proof of  
 23 Claim, they would fully remove the main  
 24 transaction history and create a separate  
 25 accounting which is deferred to Ocwen as a

FIRST COAST COURT REPORTERS

1 **deferred principle balance.**  
 2 **Essentially, it was all of the amounts**  
 3 **that was removed from the main account**  
 4 **transaction history and placed into a separate**  
 5 **account in order to post payments, once the**  
 6 **trustee makes payments, to pay that portion down**  
 7 **so that their main transaction history, which is**  
 8 **Exhibit 13, would remain as current ongoing**  
 9 **balances on the account.**  
 10 **So, as the customer would have made**  
 11 **post-petition payments, they would have then**  
 12 **applied them based on what the first**  
 13 **post-petition due date would have been, moving**  
 14 **forward, and calculating those balances in an**  
 15 **ongoing post-petition manner.**  
 16 **Q** So, if you look at the first page of  
 17 Exhibit Number 13, first line is "borrow loan  
 18 transcript to borrower."  
 19 What do you understand that indication  
 20 to mean?  
 21 **A** This is the transaction history. It's  
 22 just the label that their system recorded once  
 23 they exported the transaction history from their  
 24 system.  
 25 **Q** "Borrow loan transcript to borrower" is

FIRST COAST COURT REPORTERS

1 an Aurora designation; is that your  
2 understanding?

3 **A Yes.**

4 **Q** And are you saying that the information  
5 that was contained in Exhibit Number 13 was  
6 something on PHH's system at some point?

7 MR. CROWLEY: Objection to form. You  
8 may answer.

9 **A Your question is a little bit confusing.**  
10 **What you mean by placed on PHH's system -- if you**  
11 **could clarify what you mean by "placed on their**  
12 **system."**

13 BY MR. FINNER:

14 **Q** You understand Exhibit Number 13 to be a  
15 document that was generated from PHH's business  
16 records?

17 **A Yes, it is.**

18 **Q** Do you understand Exhibit Number 13 to  
19 be an image of a report that was generated by  
20 Aurora?

21 **A Yes, it is.**

22 **Q** Exhibit Number 13 is not then a report  
23 that was generated off of PHH's business records;  
24 is that correct?

25 MR. CROWLEY: Objection to form. Are  
FIRST COAST COURT REPORTERS

1 you asking whether the data was or whether a  
2 copy of the document was?

3 MR. FINNER: I'm asking whether Exhibit  
4 Number 13 was produced as an image that came  
5 from Aurora or whether it was generated by  
6 using PHH's business records' system to  
7 create a report.

8 MR. CROWLEY: Objection to form. You  
9 may answer.

10 **A It is a business record that was**  
11 **generated by Aurora from their system of records**  
12 **and provided to Ocwen at the time of the service**  
13 **transfer. We received it as an image, and it was**  
14 **then placed in the imaging file under**  
15 **Ms. Fletcher's loan number and sent to our**  
16 **business records over at PHH when the loan then**  
17 **subsequently Boarded from Ocwen Loan Servicing**  
18 **over to PHH.**

19 **So it was a prior servicer's business**  
20 **records, and it is listed in the system of**  
21 **records as a prior servicer transaction history.**

22 MR. CROWLEY: You broke up a little bit  
23 in your response. We got "the image  
24 uploaded," and then you broke up a couple  
25 words after you came back on.

FIRST COAST COURT REPORTERS

1 **A It was uploaded -- after we service**  
2 **transferred from Ocwen Loan Servicing to PHH, it**  
3 **was uploaded into the imaging system as the prior**  
4 **servicer's transaction history.**

5 BY MR. FINNER:

6 **Q** Would your answer be the same with  
7 respect to Exhibit Number 20, in that Exhibit  
8 Number 20 is images from Aurora's system?

9 **A Other than the first page, yes. The**  
10 **first page is actually a check request and**  
11 **basically a form they use with respect to**  
12 **notation of some business transaction during**  
13 **their servicing period of June 21, 2011.**

14 **Q** That first page, is that contained in  
15 PHH's business records in a form other than an  
16 imaged document?

17 MR. CROWLEY: Objection to form. You  
18 can answer.

19 **A No.**

20 BY MR. FINNER:

21 **Q** So you're saying that page 1 is an image  
22 as well, but it's a different sort of image than  
23 pages 2 through 11 of Exhibit Number 20?

24 MR. CROWLEY: Objection to form. You  
25 may answer.

FIRST COAST COURT REPORTERS

1 **A Yes. Image 1 is like a correspondence,**  
2 **if you will, notes, but like the cashing**  
3 **department. But the pages 2 through 11 are**  
4 **actually exports of information contained on**  
5 **their servicing records or servicing system as it**  
6 **relates to PHH's loan, and there is a portion of**  
7 **it that is also, as is noted on page 7, that is**  
8 **the amounts that was removed from the main**  
9 **transaction history.**

10 **The top portion is the amounts that**  
11 **would have been set forth to establish what was**  
12 **in the Proof of Claim. And you'll see these same**  
13 **balances that is forwarded over to page 7 also**  
14 **removed from the transaction history; that is, I**  
15 **think, Exhibit Number 20 -- or 13. Exhibit 13.**

16 BY MR. FINNER:

17 **Q** Exhibit 13 and Exhibit Number 20, which  
18 is a total of 16 pages in the exhibits, do PHH's  
19 business records contain any other images from  
20 Aurora related to PHH's loan?

21 **A Without looking at every single file, I**  
22 **don't know. Not that -- I couldn't verify it. I**  
23 **just don't know right now.**

24 **Q** I'm going to request the production of  
25 any other images from Aurora related to

FIRST COAST COURT REPORTERS



1 Ms. Fletcher's loan?

2 MR. CROWLEY: I believe some additional  
3 documents were produced already. I'm trying  
4 to look at Exhibit Number 12. But I  
5 believe, certainly, there's documents in  
6 there that are not part of what you've shown  
7 this witness or Aurora with regard to your  
8 request for any additional documents that  
9 have not been produced.

10 We'll take it under advisement after you  
11 send the request. So I'm clear, your  
12 request is?

13 MR. FINNER: Images from Aurora  
14 pertaining to Ms. Fletcher's loan.

15 MR. CROWLEY: Images that PHH has  
16 related to Ms. Fletcher's loan. Okay.

17 BY MR. FINNER:

18 Q Open up Exhibit Number 14, please.  
19 After you've had a chance to look at it, tell me  
20 if you have seen this document before?

21 A I have.

22 Q What is it?

23 A This is Ocwen's payment reconciliation  
24 history.

25 Q What do you understand the payment  
FIRST COAST COURT REPORTERS

1 reconciliation history to contain?

2 A This is one of the report files of the  
3 transaction history that was on the Ocwen Loan  
4 Servicing platform, and it contains the notation  
5 of the payments received and disbursements made  
6 with respect to escrow, things of that nature;  
7 any fees and costs assessed to the loan, as well  
8 as any credits, debits, with respect to any  
9 accounting that would relate to adjustments that  
10 was made on the loan, and the corrections of any  
11 adjustments made on the loan, as well as the  
12 running totals of the unpaid principle balance in  
13 the escrow account.

14 Q And when you say "Ocwen Loan Servicing  
15 platform," do you refer to Ocwen's system of  
16 records with respect to PHH's loan?

17 A Yes. It would have come out of the  
18 servicing platform as an export of the data. It  
19 would have been contained within the servicing  
20 history. And, once it's printed -- as of the  
21 date that it would have printed, it would have  
22 printed all of the transactions that would have  
23 taken place on behalf the loan as of the date of  
24 the report.

25 Q Does that platform have a name?

FIRST COAST COURT REPORTERS

1 A Real Servicing.

2 Q Do you know the dates that Real  
3 Servicing was used with regard to keeping a  
4 record of Ms. Fletcher's loan?

5 A It would have been from Boarding to June  
6 of 2019.

7 Q What happened to the records of  
8 Ms. Fletcher's loan in June of 2019?

9 A The loan was service transferred, and  
10 the business records was exported and provided  
11 into PHH's servicing platform.

12 Q What's the name of PHH's servicing  
13 platform?

14 A Black Knight MSP.

15 Q Open Exhibit Number 15, please. Look it  
16 over and tell me if you've seen it before.

17 A Can you say the exhibit number again?

18 Q 15.

19 A Okay. Thank you. Yes, I've seen it.

20 Q What is it?

21 A This is an export of the transaction  
22 history by PHH for the loan service from June of  
23 2019 through December of 2019.

24 Q Are you referring to only the first page  
25 of Exhibit Number 15 when you say "through  
FIRST COAST COURT REPORTERS

1 December of 2019"?

2 A Yes. It's incorporated effective  
3 February 23rd of 2021.

4 Q Can you say, looking at Exhibits 13, 14,  
5 15, and that seventh page of Exhibit Number 20  
6 that you talked about, whether those three  
7 exhibits and the one page of Exhibit Number 20  
8 contain a complete history of transactions of  
9 Ms. Fletcher's loan through that date of February  
10 23, 2021?

11 MR. CROWLEY: Objection to form. You  
12 may answer.

13 A You are asking me if 13, 14, 15 --

14 BY MR. FINNER:

15 Q 13, 14, 15 and page 7 of Exhibit Number  
16 20.

17 A Yes. That would be a complete history.

18 Q Okay Exhibit 16, please. Open and  
19 confirm if you have seen this document before.

20 A Yes, I have.

21 Q What is it?

22 A It is an export of the transaction  
23 history of the time that Ocwen serviced the loan.

24 Q When you call it an "export," can you  
25 explain how it's generated?

FIRST COAST COURT REPORTERS

1 **A I didn't generate it, so I'm not sure**  
2 **what method they used.**  
3 **But generally it would be a matter of**  
4 **just pulling it up out of the database report and**  
5 **producing it in the format that it was in in Real**  
6 **Servicing, so it would have come from the**  
7 **stage -- the database with the staging**  
8 **information in it, staging table.**

9 **But, with respect to -- I mean, this is**  
10 **a similar report that I am familiar with pulling**  
11 **through that method, but I'm not sure how this**  
12 **one was pulled or produced.**

13 **Q What is a staging table?**

14 **A It's essentially a database that held**  
15 **the fields of information that was populated in**  
16 **the database, so, in order to create a report,**  
17 **you can pull that information from the staging**  
18 **tables based on the format of the report setup.**

19 **So, there's reports that are set up, the**  
20 **pulled fields, that would have been the report**  
21 **that would have pulled a payment transaction**  
22 **history or Detailed Transaction History or**  
23 **comments, or things of that nature, that's used**  
24 **to be in Ocwen Loan Servicing's database, which**  
25 **was Real Servicing.**

FIRST COAST COURT REPORTERS

1 **Q So you're saying this is a report**  
2 **created from data that was maintained in Real**  
3 **Servicing?**

4 **MR. CROWLEY: Objection to form. You**  
5 **may answer.**

6 **A To the extent that it is contained in**  
7 **there, I didn't export -- I'm familiar with the**  
8 **data contained in here, and the format, how it is**  
9 **formatted in this report, in this exhibit. I can**  
10 **state that's what the data is; I can't state**  
11 **where the report exported -- how it exported, I**  
12 **should say.**

13 **BY MR. FINNER:**

14 **Q Do you see any information in Exhibit**  
15 **Number 16 that indicates the date the report was**  
16 **created?**

17 **A It had to have been with respect to a**  
18 **date -- no. But it is a full history, as it goes**  
19 **all the way through to the -- it looks like**  
20 **there's a servicing transfer on here of 2/21/19.**

21 **Q Is that your understanding of the date**  
22 **that the records of Ms. Fletcher's loan were**  
23 **placed on the Black Knight system?**

24 **A This servicing history was exported in,**  
25 **actually, February of 2019, so this would have**

FIRST COAST COURT REPORTERS

1 **been prior to the transfer over to PHH.**

2 **So more than likely this may have been a**  
3 **cut and paste out of the transaction history into**  
4 **this format as well, because this was during the**  
5 **time of Ocwen Loan Servicing.**

6 **Q Is there any information contained in**  
7 **Exhibit Number 16 that tells you how this report**  
8 **was prepared?**

9 **A Well, now that I know that it was done**  
10 **at the time it was at Ocwen, there is a method**  
11 **that you could use to export it directly from the**  
12 **transaction history, right directly from the**  
13 **system, and that would be pretty much the format**  
14 **that you would have here in this exhibit.**

15 **Q And that's exporting data contained on**  
16 **Real Servicing, into another format, the format**  
17 **you described as the staging table?**

18 **A Well, the staging tables were in -- any**  
19 **database has a staging table, whatever they call**  
20 **it; it has a manner in which they keep data that**  
21 **is populated into a field that, when you pull up**  
22 **that particular loan, it will populate this**  
23 **information.**

24 **So, with respect to the underlying data**  
25 **that was contained within Real Servicing, this**

FIRST COAST COURT REPORTERS

1 **report, as I was looking at it -- and that's why**  
2 **I said I wasn't sure, because I didn't export it.**  
3 **But it looks very familiar to the format that is**  
4 **utilized by the research department and Busman**  
5 **(phonetic), that, if a customer was to request a**  
6 **transaction history, they would be able to go to**  
7 **certain business units, such as those**  
8 **departments, and would have the ability to export**  
9 **it directly from the transaction history and then**  
10 **place it into a correspondence. And this is the**  
11 **format that that would look like.**

12 **In the sense that it was only dated**  
13 **through information up until February of 2019,**  
14 **more than likely that is the way this particular**  
15 **transaction history was created.**

16 **Q Would you expect to see any information**  
17 **in servicing notes that would indicate that a**  
18 **report like this was prepared?**

19 **A Not necessarily. You would -- if it was**  
20 **part of a research response, maybe. But**  
21 **generally you probably wouldn't see it, like, if**  
22 **somebody just pulled it for purposes of reviewing**  
23 **it, you know, internally, or things of that**  
24 **nature.**

25 **Q Open up Exhibit Number 17, please. Take**

FIRST COAST COURT REPORTERS



1 a look at it.

2 And, after everybody has it, just let us  
3 know whether you've seen Exhibit 17 before.

4 **A Yes, I have.**

5 **Q** What is it?

6 **A The Detailed Transaction History of**  
7 **Ocwen Loans.**

8 **Q** What's the difference between the  
9 detailed transaction and a payment reconciliation  
10 history?

11 **A The Detailed Transaction History is**  
12 **actually the history, that is the main history,**  
13 **if you will, that's going to record the payments**  
14 **and disbursements in a report, and this**  
15 **information is also contained in the payment**  
16 **reconciliation history.**

17 **The payment reconciliation history**  
18 **actually was created and added to the system in**  
19 **order to be able to print a report, a transaction**  
20 **history report, that would contain other columns**  
21 **such as fees and costs, late charges that was**  
22 **assessed to the account, and give a little bit**  
23 **more detailed information. And the payment**  
24 **reconciliation information is also information**  
25 **which was contained and populates on account**

FIRST COAST COURT REPORTERS

34

1 **statements under the activity section of the**  
2 **report.**

3 **So they are similar in nature; it's just**  
4 **that the Detailed Transaction History is**  
5 **condensed to basically just populating**  
6 **information regarding payments received, posted,**  
7 **disbursements made from escrow, things of that**  
8 **nature.**

9 **Q** Would that mean the Detailed Transaction  
10 History is a subset of the information contained  
11 in the payment reconciliation history?

12 **MR. CROWLEY:** Objection to form. You  
13 may answer.

14 **A Actually it would be reverse of that.**  
15 **It would be that the detailed that -- the**  
16 **reconciliation history is a subset of the**  
17 **information contained in the Detailed Transaction**  
18 **History report, along with information that was**  
19 **also contained in the fees and costs module,**  
20 **late-charge module, and any of the other -- any**  
21 **of the other categories with respect to payment**  
22 **posting, with respect to trustee payments posted,**  
23 **to a post-petition payment posted.**

24 **MR. FINNER:** I'd like to ask for a short  
25 break now. Is ten minutes good? Or try to

FIRST COAST COURT REPORTERS

1 resume sooner?

2 **MR. CROWLEY:** Ten minutes is fine.

3 (Brief recess.)

4 **MR. FINNER:** Let's go back on.

5 **BY MR. FINNER:**

6 **Q** Let's stay with Exhibit Number 16, if we  
7 could.

8 Can you tell, Ms. Feezer, can you  
9 explain what it means to say that a loan is  
10 Boarded?

11 **A Okay. You kind of broke up.**

12 **Q** Explain what Boarding a loan means.

13 **A When a loan is Boarded, it means, we, as**  
14 **a servicer, we were designated as the servicer**  
15 **and we will Board the information into our**  
16 **system. And then, on the effective date, the**  
17 **prior servicer will forward the financial, any**  
18 **financial information which would be our opening**  
19 **financial information, which we will populate**  
20 **into the system.**

21 **And then, once Ocwen is officially**  
22 **servicing the loan, then there is a process that**  
23 **is utilized by the loan setup team, as well as**  
24 **various units at Ocwen, which will start working**  
25 **on making verification of the data that we had**

FIRST COAST COURT REPORTERS

36

1 **received from the prior servicer in our system on**  
2 **a moving-forward basis.**

3 **Q** Do the first eight transactions that are  
4 shown on Exhibit Number 17 constitute all of the  
5 Boarding entries that were made on Ms. Fletcher's  
6 loan when servicing was acquired from Aurora?

7 **A I didn't hear the exhibit number.**

8 **Q** Exhibit 17. Let me go ahead and get off  
9 the video and save the stream.

10 Do those first eight transactions dated  
11 April of 2012 constitute the entry of Boarding  
12 transactions for Ms. Fletcher's loan?

13 **A The first three are the initial**  
14 **information that we received. The next -- the**  
15 **sixth line down is the information that we had**  
16 **received with respect to the deferred principle**  
17 **balance. And then the information above that**  
18 **with the negatives on it, which is four**  
19 **transactions in the middle, that is going to be**  
20 **the adjustments that Ocwen made with respect to**  
21 **the deferred principle balance that Aurora had**  
22 **indicated to us was the amounts that was due**  
23 **under the Proof of Claim.**

24 **Q** So I guess start with lines two and  
25 three, transaction code NLB and ESP. And could

FIRST COAST COURT REPORTERS

1 you explain what information is being put on  
 2 Ocwen's system with those entries?  
 3 **A Yes. This is a notation of an escrow**  
 4 **shortage adjustment and then the unpaid principle**  
 5 **balance of the loan, as well as the -- I believe**  
 6 **that was the -- I think it was the late charges**  
 7 **also Boarded in under the other column.**

8 **Q** Where are you seeing the late charges?  
 9 I'm seeing "late charge adjustment" six or seven  
 10 lines down, with transaction code CA.

11 **A That's correct. Those are going to be**  
 12 **the amounts where we see that \$60,768.32.**

13 **Ocwen did an adjustment in order to**  
 14 **break this amount down that was extracted from**  
 15 **Aurora's transaction history at the time the**  
 16 **Proof of Claim was created, and this was the**  
 17 **balance that they reported to us that was still**  
 18 **due.**

19 **And then, based upon the adjustments at**  
 20 **that time, it was broke down to state that there**  
 21 **was the \$2,474.15, which is in the late charges,**  
 22 **which was in the Proof of Claim, and then this**  
 23 **negative \$23,428.63, which is the balance of the**  
 24 **escrow at the time of the bankruptcy.**

25 **And then there is this \$30,331.91, which**  
 FIRST COAST COURT REPORTERS

1 ultimately was the interest portion of the  
 2 payments which Ocwen will waive. And then they  
 3 Boarded back into the \$181,042.55, the 3,604.81,  
 4 which is the amount that Ocwen indicated -- or  
 5 from this breakdown, was what Ocwen stated was  
 6 the unpaid principle balance, based on the fact  
 7 that they knew that the trustee had disbursed  
 8 over \$10,000 to Aurora, making the assumption  
 9 that Aurora posted this to principle and interest  
 10 payments, as Ocwen would have, in a bankruptcy.  
 11 But we later found out that, upon receipt of  
 12 their transaction history, that that is not the  
 13 manner in which they had posted that payment.

14 **So, with respect to Ocwen setting these**  
 15 **balances up and putting them -- incorporating**  
 16 **them back into the transaction history, we only**  
 17 **included, of the \$5,450 that was stated in the**  
 18 **Proof of Claim --**

19 MR. CROWLEY: You froze.

20 **A As Aurora stated in their Proof of**  
 21 **Claim, the principle balance was \$5,450. I**  
 22 **believe Ocwen only placed back into the system**  
 23 **3,604.81 of that amount.**

24 BY MR. FINNER:

25 **Q** How does that explanation you just gave  
 FIRST COAST COURT REPORTERS

1 correspond with the information that you have  
 2 already described on page 7 of Exhibit Number 20,  
 3 that's PHH Bates stamped 02508?

4 MR. CROWLEY: Objection to form. You  
 5 may respond.

6 MR. FINNER: Let me strike that  
 7 question.

8 BY MR. FINNER:

9 **Q** Can you see any correspondence between  
 10 the amounts that are shown on page 7 of Exhibit  
 11 Number 20 and the various setup transactions in  
 12 April of 2012, which is on page 1 of Exhibit 17?

13 **A With respect to the amount, if you look**  
 14 **at the manner in which the calculations were**  
 15 **made, this is the beginning of the loan Boarding**  
 16 **over, and the interim reconciliation of that**  
 17 **amount, the breakdown of this amount, was based**  
 18 **off of the bankruptcy records with respect to the**  
 19 **Proof of Claim and the trustee's ledger.**

20 **So the balances that you are going to**  
 21 **get, that is listed for the adjustments on the**  
 22 **entries that we just went over on Exhibit 17,**  
 23 **were actually based upon those type of records.**

24 **With respect to what the balance is with**  
 25 **respect to Exhibit Number 20, on page 7, this is**  
 FIRST COAST COURT REPORTERS

1 going to be the balances that was essentially  
 2 what Aurora was stating that was owed as of the  
 3 time. And this is where, when you go back to  
 4 correlate these two, if you look at Exhibit  
 5 Number 20, under principle amounts that is going  
 6 to be owed, it's going to be \$5,450.97, Ocwen  
 7 only added in \$3,604.81 of that amount.

8 **With respect to the amount of interest**  
 9 **that was still due, Aurora is noting that**  
 10 **\$33,081.99 would still be due. Ocwen had stated**  
 11 **it was 30,331.91.**

12 **With respect to the amounts for the**  
 13 **other balances, we're going to see -- if you go**  
 14 **up to the middle of that chart, on page 7 of 20,**  
 15 **we are going to see the amount for the late**  
 16 **charges there, which is the balance that Ocwen**  
 17 **had placed in the system, and then --**

18 MR. CROWLEY: You broke up after talking  
 19 about the late charge.

20 **A Back at Exhibit Number 20, at page 7,**  
 21 **underneath late charges, I was discussing the**  
 22 **charge of \$750 that Aurora had assessed to this**  
 23 **account, and it was listed as "miscellaneous**  
 24 **bankruptcy."**

25 **So, with respect to the amounts of money**  
 FIRST COAST COURT REPORTERS

1 then that Aurora had received from the trustee  
2 and posted, you'll see on 4/11 of 2012 they  
3 received \$8,993.22, and they applied \$8,243.22 of  
4 that money towards the outstanding interest of  
5 \$41,325.21, which was reported in the Proof of  
6 Claim, and the other \$750 they used to clear up  
7 whatever the miscellaneous bankruptcy charge of  
8 750 dollars was.

9 So, with respect to the amounts that  
10 they had received and posted, it was listed -- it  
11 was reported to us that the balance was only  
12 60,000. But, once we were able to obtain the  
13 transaction history, we were able to actually  
14 make a clear verification of how those balances  
15 were then subsequently -- those funds were then  
16 subsequently applied at Aurora.

17 BY MR. FINNER:

18 Q Is there any information on Ocwen's  
19 system of records that describes the variances  
20 that you said were applied to the numbers that  
21 were received from Aurora on Boarding?

22 A I want to say yes. From my review -- I  
23 did an independent review of these calculations  
24 based on the business records. But, with respect  
25 to what is contained in the business records,

FIRST COAST COURT REPORTERS

42

1 yes, these adjustments are contained in the  
2 transaction history, and they would be contained  
3 in the comments log as well, as there is going to  
4 probably be corresponding communications within  
5 the comment log that is going to kind of enhance  
6 the understanding of what this breakdown would  
7 have equated to, with respect to the reliance of  
8 the record of how they broke this payment down to  
9 get to these figures, in order to have the  
10 60,768.12 change from this deferred principle  
11 balance and incorporate them back into the  
12 transaction history, the balances back into the  
13 transaction history.

14 Q Do you know whether that comments log  
15 has been produced?

16 A Yes, it has.

17 Q Now is a good time for us to go to  
18 Exhibit Number 12.

19 And if you could identify the Bates  
20 numbers that contains that comments log, that  
21 would be the question, please?

22 A It looks like it's going to start on  
23 Bates stamp 1517, and it's going to go through  
24 for -- 1517 to 1742, which covered Ocwen's  
25 comments log all the way up to PHH's comments,

FIRST COAST COURT REPORTERS

1 and looks like that went through to February 23rd  
2 of 2021.

3 Q Now, are you referring, with those  
4 numbers, to the H numbers of the PDF that you see  
5 in Exhibit Number 12, starting at Bates PHH 0156?

6 A Yes. The Bates stamp and page number  
7 are different. So page number 1742 of Exhibit 12  
8 refers to PHH Bates stamp 1761, and page 1517 of  
9 Exhibit 12 is to PHH Bates stamp 1536.

10 Q Would you open up Exhibit Number 18,  
11 please.

12 Have you seen this before?

13 A Yes.

14 Q What is it?

15 A A portion that was in what I just  
16 answered for Exhibit 12. This is the comment  
17 log, which is PHH 1636 through PHH 1746. Okay.  
18 That's the last comment. So this is an export of  
19 the comment notes from Ocwen Loan Servicing only,  
20 not PHH.

21 Q Are those entries something that would  
22 also be described as servicing notes?

23 A Yes, they were.

24 Q And they contain the comment fields that  
25 you described when you were talking about the

FIRST COAST COURT REPORTERS

44

1 manner in which the loan was Boarded?

2 A Well, it's going to contain any  
3 servicing history note as it relates to how the  
4 loan was serviced. So, if there was any type of  
5 servicing activity that takes place, it's noted  
6 in the comment log in some entry.

7 For instance, if an account statement  
8 goes out, it would be noted that a billing  
9 statement was sent. If a call comes in, it's  
10 noted that we received a customer call, so there  
11 would be notes regarding that call. So it's  
12 recording various different servicing activities  
13 under what we refer to as the "comment log."

14 Q The first entry on Exhibit Number 18 has  
15 a comment "loan shell Boarded on 5/16/2012."

16 Do you see that, Ms. Feezer?

17 A I do.

18 Q What does that refer to?

19 A It notes that we were --

20 MR. CROWLEY: You are breaking up again.

21 A Just general information.

22 MR. CROWLEY: You broke up again.

23 A I'm sorry. We received the basic  
24 information regarding the loan that would  
25 ultimately be serviced transferred to us. So,

FIRST COAST COURT REPORTERS

1 when we receive that, we open a shell, and it's  
2 assigned a loan number. And then this loan  
3 number would be provided, depending on the type  
4 of goodbye letter. This one indicates that it  
5 was going to be a joint hello/goodbye letter.

6 So this would have been information that  
7 would have been contained in that particular  
8 letter regarding the account number that Ocwen  
9 would then associate to that loan, and, in order  
10 to obtain that, we have to open a shell of that  
11 information and Board it into our system. And  
12 then on the effective date of service, then we  
13 would get the retiring servicer's financial  
14 information that we would then upload into the  
15 system.

16 BY MR. FINNER:

17 Q Do you know why that effect -- sorry --  
18 why that shell Boarding dated in May of 2012 is  
19 several weeks after the initial transaction  
20 increase that we were looking at on Exhibit  
21 Number 17?

22 A With respect -- I didn't understand what  
23 the question was. With respect to Aurora's  
24 information or Ocwen's information?

25 Q The entries that you have described as  
FIRST COAST COURT REPORTERS

1 had the ability to go back and give the customer  
2 credit for posting a payment that could have been  
3 received by the prior servicer on a different  
4 date.

5 Q Your answer just described a discrepancy  
6 between -- I'm looking now at Exhibit Number  
7 18 -- between the first entry with the shell  
8 Boarding on the 16th and the third entry with the  
9 anticipated activation date of June 6?

10 MR. CROWLEY: Objection to form. You  
11 may answer.

12 A I didn't hear.

13 BY MR. FINNER:

14 Q On Exhibit Number 18, the first entry on  
15 the first page says "loan shell Boarded on  
16 5/16/2012," and the third entry says there was an  
17 anticipated activation date of June the 6th,  
18 2012.

19 Is the difference between those two  
20 dates that period you were describing in order to  
21 handle a transition of payments?

22 A Based on the transaction history date.

23 Q Well, for starters, I'm just looking at  
24 the comments on Exhibit Number 18 that says they  
25 were loan shell Boarded on May 16th, anticipated  
FIRST COAST COURT REPORTERS

1 loan Boarding entries on Exhibit Number 17 took  
2 place between April 21st, 2012 and April 24,  
3 2012.

4 Do you know why the shell Boarding in  
5 the comments is dated several weeks later in May  
6 of 2012?

7 A Ocwen, when we Board a loan in, we will  
8 always leave a buffer of time with respect to  
9 being able to post transactions that possibly  
10 could have been received by the prior servicer  
11 that they did not necessarily post on their  
12 account.

13 For instance, it would be that, let's  
14 say that the customer would send in an automated  
15 payment and didn't see the hello/goodbye letter  
16 and realize that the payment needed to go to  
17 Ocwen, as opposed to Aurora, Aurora could then  
18 forward that payment to us, and then Ocwen would  
19 have the ability, due to this gate, that they  
20 open it up, and they can actually date it as the  
21 date that Aurora received it and not isolate it  
22 to the actual date, you know, like posting it to  
23 a date when Ocwen then started Boarding it.

24 So, if we would have strictly Boarded  
25 this in and said June the 1st, we wouldn't have  
FIRST COAST COURT REPORTERS

1 to activate on June 6th?

2 A We would have had the information about  
3 the loan in our system as of May the 16th of  
4 2012, but we would always leave a window of time  
5 before this date of May 16, 2012, in order to be  
6 able to post payments that possibly could have  
7 been received by Aurora that they did not post in  
8 their transaction history, but received.

9 And then Ocwen would need to be able to  
10 post it as of the date that Aurora received it.

11 So we give a date range to go back and  
12 post during that time period.

13 So, in this particular instance, it  
14 would have been --

15 MR. CROWLEY: You broke up again.

16 A -- to the May date that we Boarded the  
17 shell. So Ocwen would have opened its Boarding  
18 date.

19 Even though we opened the shell on  
20 5/16/2012, we would have opened up the  
21 transaction history to be able to accept -- to  
22 date something, to give it an effective date, as  
23 opposed to the date received, to be able to have  
24 the ability to effect a date item that possibly  
25 could have been received by the prior servicer.  
FIRST COAST COURT REPORTERS

1 **And that would have been one month prior to that**  
 2 **shell Boarding date, or approximately a month, so**  
 3 **it would have been into April of 2012.**

4 BY MR. FINNER:

5 **Q** Thank you, Ms. Feezer.

6 Now I'd like you to turn to page 91 of  
 7 Exhibit Number 18, the comments log that's Bates  
 8 stamped PHH 01626, and describe, if you can, what  
 9 the entry on that first page refers to?

10 **A** We're on the comments of September 23 of  
 11 2016?

12 **Q** Yes.

13 **A** This is a comment -- this is just a  
 14 basic bankruptcy comment. That is communications  
 15 that was made between the -- looks like the  
 16 business unit and their attorney.

17 **Q** Do you understand what is referenced to  
 18 as Notice of Final Cure response?

19 **A** Am I familiar with what a Notice of  
 20 Final Cure refers to?

21 **Q** Okay. What does a Notice of Final Cure  
 22 refer to?

23 **A** Well, yes, once the trustee makes their  
 24 final disbursement under the plan, then they file  
 25 a Notice of Final Cure, in order for the creditor

FIRST COAST COURT REPORTERS

1 that they had disbursed funds to throughout the  
 2 bankruptcy, to verify that they had received the  
 3 funds and to respond to the notice with respect  
 4 to the account that they had received the funds  
 5 under the Proof of Claim and that they were  
 6 applied to the account.

7 **Q** And do you know if such a notice was  
 8 filed in Ms. Fletcher's case?

9 **A** Yes, it was.

10 **Q** And going back to page 89 of Exhibit  
 11 Number 18, Bates stamped 01624, does that  
 12 indicate that the trustee's notice was filed on  
 13 September 2nd of 2016 --

14 MR. CROWLEY: Sorry. What page?

15 MR. FINNER: Page 89 of Exhibit Number  
 16 18, Bates stamped 01624.

17 BY MR. FINNER:

18 **Q** Does it indicate that the trustee's  
 19 Notice of Final Cure was filed September 2nd of  
 20 2016?

21 **A** Well, the notes on here are actually a  
 22 reconciliation and part of a reversal of  
 23 cashiering, and that's not with respect to the  
 24 response. It's not -- it noted that there was a  
 25 notice filed, but it's within the reconciliation

FIRST COAST COURT REPORTERS

1 form, within the bankruptcy reconciliation that  
 2 was completed. Which, it starts -- it looks like  
 3 these were truncated at the bottom when they  
 4 exported it. So the opening column is going to  
 5 be at the bottom of that, and that was on 9/17 of  
 6 '16, that there was an interim reconciliation  
 7 completed. And then go back to the top, and it  
 8 starts at the top -- there's the information  
 9 regarding the reconciliation, and it's saying the  
 10 reconciliation was completed on 9/17/16. And  
 11 then it gives reference. And it says it's not  
 12 yet -- the Bankruptcy Court hasn't discharged it  
 13 yet.

14 **A** Notice of Final Cure was filed on 9/2  
 15 of 2016. And then it's going through the various  
 16 points with respect to them reviewing the account  
 17 as it relates to the amounts on the Proof of  
 18 Claim previously filed.

19 And the next comment on this page refers  
 20 to -- the next comment is referring to this  
 21 reversal on 9/17. So this was a request to the  
 22 cashiering department in order to reverse funds  
 23 in the amount of \$1,900 and post it towards --  
 24 and then it gives the amounts below -- post it  
 25 towards these fees.

FIRST COAST COURT REPORTERS

1 So they are having them take money or  
 2 misapplied expenses to the amount of \$1,400 and,  
 3 together with the funds that was in the trustee  
 4 expense account for \$522, and then reapply it.

5 **Q** When you say that there was a  
 6 truncation, does that mean that it appears to be  
 7 that all of the information that was on the  
 8 system didn't make it onto the pages contained in  
 9 this exhibit when the report was generated?

10 **A** This looks to me like the entire  
 11 comment. But, generally, whenever -- if you look  
 12 at the top of the comment, it starts above, with  
 13 the entry with respect to the alias code and the  
 14 date and the department information.

15 **Q** If you flip back to the previous page,  
 16 number 88, where there're a number of redactions,  
 17 does that fill in the information that you are  
 18 looking for?

19 **A** Not that. I'm looking -- I'm trying to  
 20 explain to you, when I was looking at the  
 21 comments, it appears to me -- I'm just letting  
 22 you know that the comment starts above, and then  
 23 the information about what that comment is falls  
 24 at the bottom of the comment.

25 So the top of this -- so, looking at

FIRST COAST COURT REPORTERS



1 page 89, which is PHH 1624, there are two  
2 comments on this page; first one is, the RECOM  
3 was completed, the interim RECOM was completed,  
4 and it was on 9/17 of 2016.

5 And, if you go to the top of the page  
6 where that comment is, and then it stops -- that  
7 comment stops at where that line is, then it  
8 talks about the reconciliation. Then you'll see  
9 right below that, says "reversal request to  
10 cashier." And you'll see information contained  
11 in that comment.

12 And then at the very bottom, starts the  
13 RVRQ, which is the alias code for what  
14 information's populated in the comment log. So  
15 the headers for the comments are at the bottom of  
16 the comment, as opposed to up at the top of the  
17 comment. That was just an exporting --

18 MR. CROWLEY: All we heard --

19 A Didn't change the justification at the  
20 top as opposed to the bottom.

21 MR. FINNER: Thank you.

22 BY MR. FINNER:

23 Q Can you describe in general what a  
24 bankruptcy reconciliation refers to and what the  
25 steps are in doing one of those?

FIRST COAST COURT REPORTERS

1 Notice of Final Cure that was filed in

2 Ms. Fletcher's case?

3 A Yes, I've seen it.

4 Q I'm trying to see if we've got it. I'll  
5 find that at our next break.

6 Is it your understanding that the  
7 reversals that were requested in the comments  
8 that you've described to us were applied to  
9 Ms. Fletcher's loan and incorporated into the  
10 response, Notice of Final Cure?

11 MR. CROWLEY: Objection to form. You  
12 may answer.

13 A Well, yes. Once the adjustments was  
14 made to the account, that's the whole purpose of  
15 doing the interim reconciliation, is to make sure  
16 that all of the funds that we have that is, even  
17 in the expense account, that have been accounted  
18 for, so that we know what amounts -- so that we  
19 can add up how much we received based on how much  
20 we were supposed to receive from the amount from  
21 the Proof of Claim.

22 So, yes, that's the whole purpose, is to  
23 look at the account, analyze the account so that  
24 we're able to then respond to the Notice of Final  
25 Cure.

FIRST COAST COURT REPORTERS

1 A Yes. Well, there is now two processes  
2 now that the trustee has the Notice of Final  
3 Cure. So, once the -- once we receive a Notice  
4 of Final Cure, an interim reconciliation will be  
5 completed to review the account with respect to  
6 the postings and to make sure that any of the  
7 sums that was in the expense account was applied  
8 to the loan and if there is any adjustments that  
9 will need to be made.

10 It will look very similar to the  
11 comments contained on the Bates stamp 1624 of  
12 PHH.

13 So, once that adjustment is done, that  
14 way, they will be able then to respond to and be  
15 able to determine the amounts that was posted and  
16 if the account -- if we had received all of the  
17 trustee's payments.

18 So then the next reconciliation would  
19 then come at the stage of the account being then  
20 receiving a discharge.

21 Q Have you reviewed the response to the  
22 Notice of Final Cure?

23 A All I heard was "did you review," and  
24 then you froze.

25 Q Did you review the response to the

FIRST COAST COURT REPORTERS

1 BY MR. FINNER:

2 Q I'd like you, if you could, to review  
3 the portion of Exhibit Number 18 that starts on  
4 page 86, which would be Bates 1621, going up  
5 through that entry on the 23rd of September, that  
6 a response was filed, and that's on page 91, and  
7 identify the changes to the account that were  
8 initiated or requested in the process of this  
9 bankruptcy reconciliation in September of 2016.

10 MR. CROWLEY: Objection to form.

11 (Brief pause.)

12 A Okay. I reviewed pages 86 through 91.  
13 And your question was, where did it reflect that  
14 the adjustments were made.

15 If you go to page 90 of the PDF, which  
16 is Exhibit 18, which is PHH Bates stamp 1625,  
17 you're going to see a series in the middle of the  
18 page, and it's going to start "reversal processes  
19 funds that were needed to apply to expenses."

20 Then you are going to see the various  
21 amounts there with the amounts by it and the  
22 batch number. Whenever you see an adjustment  
23 made on an account, instead of it having a  
24 designation of a batch number that would have  
25 been assembled from, say, receiving a

FIRST COAST COURT REPORTERS

1 post-petition payment or a trustee payment, it's  
2 going to be the customer's account number. So  
3 these would be referred to as adjustments.

4 The first set is going to be that there  
5 was --

6 MR. CROWLEY: Sorry. You broke up.

7 A -- 438.20. The first set lists the  
8 adjustments and starts at 522.63 and ends at the  
9 then posting at 522.63.

10 So there's five entries that comprise  
11 that adjustment.

12 BY MR. FINNER:

13 Q Is it your understanding that those  
14 adjustments were applied to the account as it was  
15 reflected in the response that was filed with the  
16 Notice of Final Cure?

17 A Well, yes. The Notice of Final Cure  
18 would be filed based on the information in the  
19 system as of that date. Yes.

20 Q On page 87 of this Exhibit 18, Bates  
21 1622, there is an entry about two-thirds of the  
22 way down the page dated September 9, 2016, begins  
23 "please locate funds."

24 Do you see that entry, Ms. Feezer?

25 A I do.

FIRST COAST COURT REPORTERS

58

1 Q What does that refer to?

2 A If you go to page -- on page 87, that we  
3 were on, there was a request from the research  
4 department that says that they need to check  
5 whether or not a payment was posted by the prior  
6 servicer and that they did not have a copy of the  
7 prior servicer's transaction history to verify  
8 that they were sending this work-flow to verify  
9 it over to cashiering.

10 Q Did cashiering respond?

11 A Yes. They basically -- so, when they  
12 sent it over to cashiering, they essentially gave  
13 them the path that the transaction history was  
14 located on. Looks like it would be on Bates  
15 stamp 1623, at the top; they are giving them the  
16 path of the prior loan setup, provided the --  
17 well, the loan setup comment that they inserted.

18 But they're saying the prior servicer's  
19 transaction histories, the path within the bulk,  
20 that it has been emailed to the location of the  
21 prior servicer's histories. So they had provided  
22 them the research of the path in order to pull  
23 the prior servicer's history.

24 Q If you can turn two pages forward to  
25 Bates stamp 1625, it's page 90 of Exhibit 18.

FIRST COAST COURT REPORTERS

1 A Okay.

2 Q Can you describe what's going on on this  
3 first line entry at the top of this page?

4 A This is the reconciliation review that  
5 was conducted based on the amounts of the -- with  
6 respect to the Proof of Claim, and they are  
7 sending a recommendation with respect to  
8 adjustments that need to be made on the account  
9 with respect to the Ocwen business records, the  
10 amounts that would have been listed that was  
11 not -- how you want to the say -- they didn't  
12 file a notice with the Bankruptcy Court in order  
13 to get permission to assess -- to have these fees  
14 then assessed to the loan and make it a part of  
15 the amounts that were due post petition, so they  
16 are basically going through and outlining  
17 post-petition fees and costs that were on the  
18 loan that we would then need to review from the  
19 loan.

20 Q And can you tell from this document the  
21 identity of the user who is making that  
22 recommendation?

23 A Well, the comment was placed in there by  
24 user with the user ID VENKATMU. I'm not sure  
25 what that person -- not sure what their name is,

FIRST COAST COURT REPORTERS

60

1 but that was the ID, that's the user ID.

2 Q For simplicity, can we refer to that  
3 user as user V?

4 A That's fine.

5 Q To whom was that recommendation made or  
6 to what department; do you know?

7 A This is part of the reconciliation team.  
8 They would have then sent this to their --  
9 whoever was identified as their manager at the  
10 time, and then they would review it to get the  
11 approval in order to forward this for processing.

12 Q Can you see in this Exhibit 18 what the  
13 subsequent history of that recommendation was and  
14 whether or not it was approved or implemented?

15 A Yes, it was implemented. There were  
16 adjustments that were made to the account with  
17 respect to moving the post-petition fees and  
18 costs from the loan.

19 Q Can you identify that entry on any of  
20 the exhibits that you've already looked at,  
21 whether it's the transaction histories or this  
22 comments' log?

23 MR. CROWLEY: Objection to form. You  
24 may answer.

25 A If you look at Exhibit 14, there is

FIRST COAST COURT REPORTERS

1 going to be adjustments that was made on PHH --  
2 doesn't have a Bates stamp number. So Exhibit 14  
3 at page 5.

4 Q Is there a Bates 00010 on the far right?

5 A Yes, it is. So it would be 10, Bates  
6 stamp 10 of Exhibit 14.

7 And there is adjustments that's made for  
8 credits of these invoices. In the middle of the  
9 page you're going to see 650, basically just a  
10 credit, and then 176.00, 928.82 and 206.01.

11 Q Is there a reason why those amounts that  
12 you've identified on page 5 of Exhibit 14 don't  
13 correspond to the amounts that are given in the  
14 note at the top of page 90 of Exhibit 18?

15 A Well, with respect to how they are  
16 listed in here, I'm not sure how or why they  
17 broke it out in these figures.

18 But, with respect to the adjustments,  
19 those are the credits that was applied.

20 So I didn't look at it in that manner to  
21 reconcile it, but those were the credits as it  
22 relates to the amounts during that time period  
23 with respect to the reconciliation of removing  
24 the fees from the account.

25 Q And, if you go back and forth between  
FIRST COAST COURT REPORTERS

1 that page on Exhibit 14, page 90 of Exhibit 18,  
2 those dates correspond to the indication on  
3 Exhibit 18, under PYMT0003 code; is that right?

4 MR. CROWLEY: Objection to form.

5 A Yes. It appears to be a reversal  
6 notation that cashiering would have incorporated  
7 into that log as relates to the transaction  
8 history.

9 BY MR. FINNER:

10 Q Now, staying on this page 90 of Exhibit  
11 18, if you go to the first entry dated September  
12 21, 2016, that's again by this user we've  
13 identified as V, and the code is NOFCX, can you  
14 describe what information is being provided by  
15 that comment?

16 A That is closing out the work-flow with  
17 respect to filing the Notice of Cure Response.

18 Q What does the next line, says "rejected  
19 by QC" mean?

20 A This is a commercial loan business unit  
21 that would be in control of the operations of --  
22 this is going to be the commercial -- this  
23 comment is essentially closing out a work-flow to  
24 the bankruptcy department reconciliation team,  
25 because it would then be handled by the

1 commercial -- this wouldn't have been processed  
2 in the bankruptcy, the general bankruptcy  
3 department that would handle residential  
4 accounts; it would be then processed by the  
5 commercial department.

6 Q When you say "this" wouldn't be  
7 processed, are you talking about the bankruptcy  
8 reconciliation that was performed in September of  
9 2016?

10 A Well, not necessarily the bankruptcy  
11 reconciliation. It would be with respect to the  
12 commercial department then handling the account  
13 from that point on, so they would have then the  
14 commercial department -- so this brings us into a  
15 different distinction of what is happening here,  
16 is that, if this was in a standard residential,  
17 rather than the business unit, the bankruptcy  
18 department would then, in its normal course, then  
19 make the file, prepare and have prepared or send  
20 to be prepared to the attorney, depending on how  
21 they do it in that particular state, the  
22 information to be filed with respect to the  
23 Notice of Final Cure.

24 In this particular instance the account  
25 is a commercial account, so this information that  
FIRST COAST COURT REPORTERS

1 was comprised by the review is then going to be  
2 submitted to the commercial department, and they  
3 are going to process this Notice of Final Cure  
4 through their business practice.

5 And this is just essentially the  
6 bankruptcy unit closing out the flow that they  
7 would have then followed with respect to making  
8 sure that the Notice of Final Cure was then  
9 filed.

10 So they were closing it out and the  
11 commercial department is picking it up.

12 Q And between this page and the next page,  
13 do you see -- and by this page and the next page,  
14 I mean page 90 and 91 of Exhibit 18, Bates 1625  
15 and 26.

16 Is there any indication that the  
17 commercial department took any action with  
18 respect to the Notice of Final Cure?

19 A Well, it appears that he had sent it to  
20 counsel with respect to filing it with the Court,  
21 and they sent it to Leah Freedman.

22 Q When you say "they," are you now  
23 referring to the team at the commercial  
24 department that you've been describing?

25 A Yes.

1 **Q** On this page 90, under that September 21  
2 entry by user V, there is another entry also  
3 dated September 21, 2016 with a code of RECON  
4 REJ.

5 Do you see that, Ms. Feezer?

6 **A Yes, I do.**

7 **Q** What information is being provided by  
8 that comment?

9 **A This is the comment that is essentially**  
10 **part of that work-flow. So we need to close it**  
11 **out because the business unit, the bankruptcy**  
12 **business unit, isn't going to take the next step**  
13 **in order to process this. So they have to close**  
14 **out these work-flows.**

15 **So this is a part of closing out that**  
16 **work-flow that you see with the Notice of Final**  
17 **Cure with the X through it. It's going to be**  
18 **essentially closing out the work-flow, and then**  
19 **the commercial business unit was handing it.**

20 **Q** And the bankruptcy unit that you are  
21 describing in your testimony, is that what the  
22 comment refers to when it speaks of LM BK?

23 **A No. A LM BK is going to be a loss**  
24 **mitigation, like a single point of contact.**

25 **Q** And can you tell us why they are

FIRST COAST COURT REPORTERS

1 **their loss mitigation bankruptcy department in**  
2 **Houston, which is the commercial office.**

3 **Q** Let's turn to page 101 of Exhibit 18,  
4 Bates stamp PHH 0136.

5 Ms. Feezer and Mr. Crowley, could you  
6 indicate when you have gotten there?

7 MR. CROWLEY: I'm sorry. Page 101

8 PHH -- I'm on it.

9 **A I'm there.**

10 BY MR. FINNER:

11 **Q** Could you read that first comment on the  
12 page, Ms. Feezer, and tell us what the author  
13 meant with regard to Ms. Fletcher's loan with the  
14 words "it was a split loan that wasn't adjusted  
15 correctly"?

16 MR. CROWLEY: Object to the extent she  
17 has to speculate as to what someone may or  
18 may not have said. If you want to ask the  
19 witness what she understands, that's maybe a  
20 different question.

21 MR. FINNER: Thank you.

22 BY MR. FINNER:

23 **Q** What does it mean to the reader?

24 **A This comment kind of coincides with a**  
25 **string of comments that was also noted, but I'm**

FIRST COAST COURT REPORTERS

1 indicating no adjustment should be made on the  
2 loan?

3 **A The commercial department needed the**  
4 **reconciliation completed through the**  
5 **reconciliation department of the bankruptcy unit;**  
6 **then they are going to do the reconciliation.**

7 **They are not going to physically handle**  
8 **or create or, by them completing it, it is not**  
9 **going to then trigger it back to the bankruptcy**  
10 **department. So they are closing out the**  
11 **work-flow to the bankruptcy department, doesn't**  
12 **continue on and send a notice to the attorney or**  
13 **file a notice because the commercial department**  
14 **is going to do it.**

15 **So the reconciliation is done, and the**  
16 **commercial department is saying "don't do**  
17 **anything, I'm going to pick it up from here," and**  
18 **that's what is happening here.**

19 **This is stopping the work flow and**  
20 **stopping the notice from being handled in the**  
21 **bankruptcy department. It's sent over to the**  
22 **commercial department, and their agents are going**  
23 **to handle it.**

24 **And looks like they have a, what refers**  
25 **to as a LM BK designation, which is probably**

FIRST COAST COURT REPORTERS

1 **familiar with the string of comments. So the**  
2 **context in which this comment then flows through**  
3 **is essentially kind of giving a summation, if you**  
4 **will, about the confusion, I think is the word**  
5 **they used about being confused.**

6 **But essentially what happened is that**  
7 **Lolita Milner is trying to surmise the fact that**  
8 **this was a complicated case in the fact that we**  
9 **did make adjustments on this based on the way**  
10 **Aurora had reported to us at the time we began**  
11 **servicing the balances that were due.**

12 **The next sentence, where she's saying**  
13 **that it was a split loan that wasn't adjusted**  
14 **correctly, we know that, based upon the hours and**  
15 **hours of research that they had put into getting**  
16 **these adjustments, previous adjustments done**  
17 **throughout this loan, that, you know, that we**  
18 **needed to incorporate -- we found out that Aurora**  
19 **pulled out of the main transaction history of**  
20 **their system of record, and they created a**  
21 **deferred principal balance that comprised all of**  
22 **those numbers that we went over earlier.**

23 **And they -- so Ocwen doesn't keep two**  
24 **systems of records. Ocwen keeps a Proof of Claim**  
25 **module, which it would track those amounts in**

FIRST COAST COURT REPORTERS

1 order of application of receiving payments from  
2 the trustee, as opposed to doing it this way,  
3 where they're creating [inaudible] of records.  
4 So Ocwen then took this split loan,  
5 broke down the deferred principle balance that  
6 Aurora had created and placed those figures in  
7 there, which we went over the balances that they  
8 placed in there.

9 So then they are talking about that the  
10 Motion for Relief was not filed due to that issue  
11 on that end, meaning that, when they very  
12 first -- that's where all this came into play, is  
13 that they wanted to file a Motion for Relief from  
14 stay because Ms. Fletcher's stopped making  
15 post-petition payments.

16 We had received two after the loan  
17 Boarded over, and she didn't make any payments  
18 from August of 2012 all the way through to 2014.  
19 So we were getting no post-petition payments.

20 So they are talking about we couldn't  
21 have filed a Motion for Relief due to the issues  
22 on our end, meaning, when we Boarded it in, that  
23 unpaid, deferred unpaid principle balance was in  
24 a forbearance module that we would have then  
25 utilized to incorporate payments with respect to

FIRST COAST COURT REPORTERS

70

1 a Consent Order. So we couldn't even file a  
2 Motion for Relief based on the fact that this  
3 deferred principle balance was holding up that  
4 space; we needed to move to into Real Servicing.

5 So it says this matter is now out of  
6 bankruptcy. But I think Altman, which I think  
7 was Michael Altman, was going to try to work  
8 something out with the borrower in helping to  
9 bring the account current, possibly a  
10 modification.

11 And, again, as I had said, this series,  
12 this email is leading up to a series of emails  
13 where the customer stopped making payments after  
14 we got the adequate protection order.

15 And so, when the customer stopped making  
16 payments, obviously it was creating a negative  
17 balance in the escrow. It was creating -- you  
18 know, the fact that the account wasn't  
19 post-petition current, we had an adequate  
20 protection order, and we were trying to work out  
21 some kind of -- or the commercial department was  
22 trying to work out some type of remedy for the  
23 customer to bring the account back into  
24 post-petition current status, as opposed to  
25 having to go ahead and file the notice with the

FIRST COAST COURT REPORTERS

1 Court to get relief from the automatic stay.

2 Leading up to that, during one of those  
3 calls Ms. Fletcher spoke to Michael Altman and  
4 she asked about a modification. And he said "you  
5 already have a low interest rate. Why don't we  
6 really focus back on to reinstating this  
7 account."

8 And then she said "I would really like  
9 to get more information on the modification."

10 During that time there was negotiations  
11 between Ms. Fletcher's bankruptcy attorney  
12 Ms. Fletcher, Mr. Altman, and our bankruptcy  
13 attorney about what was going to take place. And  
14 essentially this said that the outcome of this  
15 was that, she disputed the amount, she sent in  
16 proof of payments that she made, and we then, the  
17 commercial department, painstakingly went through  
18 every single check and payment identified, each  
19 and every one of those payments, and advised her  
20 that we had credited everything that was  
21 received.

22 So these negotiations took place over  
23 several months, and that pushed us up to the  
24 discharge, so that's where this kind of email is  
25 just kind of giving a summation overview of

FIRST COAST COURT REPORTERS

72

1 events that transpired, and says "you may want to  
2 speak to him on how to proceed with the  
3 bankruptcy now that it's been discharged."

4 Because at this point all of the  
5 post-petition payments that was recorded in the  
6 Notice of Final Cure would have still been due.  
7 I mean, we did receive and account for the  
8 amounts that was pre-petition and accounted in  
9 the Proof of Claim, but the fact remains that  
10 Ms. Fletcher failed to make a very large number  
11 of her post-petition payments.

12 Q And you know that there was a Motion for  
13 Relief from Stay filed on December 12th of 2013,  
14 right?

15 A Yes. And that stemmed into a Consent  
16 Order for Adequate Protection payment, payment --  
17 which she did make the payments with respect to  
18 the Consent Order, saying the -- I think it was  
19 four payments she had to make in addition to her  
20 regular monthly payment. And then she stemmed  
21 off from doing that and just made the adequate  
22 protection payment and didn't continue to make  
23 the regular payment.

24 So I'm not sure what happened but, then  
25 again, there was a big gap of not making

FIRST COAST COURT REPORTERS



1 payments.

2 And, unfortunately, due to the way that  
3 she did it -- and I did go through and I  
4 personally reviewed it. Based on the payments  
5 that she made, even at the end, because of the  
6 timing of her making these payments, she was  
7 never post-petition current, because she jumped  
8 from making a payment then in June and tried to  
9 make up a payment in December, but it was still  
10 short I think an \$8,000 payment, and it would  
11 have only covered four payments, and she was six  
12 payments past due at that point.

13 Q The reason I asked you, you testified  
14 about payment default in '12 and '13, and my  
15 question is whether the payment defaults those  
16 years, 2012 and 2013, were resolved by payments  
17 made under the 2014 Consent Order?

18 A Unfortunately, no. She got close, yes,  
19 but then she stopped making payments.

20 And, as I was reviewing the history, the  
21 whole entire history of the loan -- I guess the  
22 takeaway of that is she evidently had some type  
23 of personal issues with her mom which didn't come  
24 out until her discussions closer to the  
25 discharge.

FIRST COAST COURT REPORTERS

74

1 And I speculate to say that, because she  
2 didn't say that at the time. But she was -- when  
3 I reviewed Ms. Fletcher's loan -- I mean, when  
4 she was at Aurora she was making her  
5 post-petition payments each and every month and  
6 she was post-petition current when she Boarded.

7 And then she made two post-petition  
8 payments with Ocwen, and then she didn't make  
9 payments for a period of time. And Ocwen had to  
10 go through and adjust this account in order to  
11 file the Motion for Relief, which then stemmed  
12 into the adjustments of breaking down that  
13 deferred unpaid principle balance and getting it  
14 back correctly into the loan so that Ocwen could  
15 then file of Motion for Relief.

16 Once the Motion for Relief was filed,  
17 they worked out a Consent Adequate Protection  
18 order to give Ms. Fletcher the ability to make up  
19 these payments. And she was pretty good about  
20 the payments until later, and then she just -- it  
21 just kind of fell apart with respect to keeping  
22 up her regular, monthly, post-petition payment  
23 thereafter.

24 Like I said, she tried to bridge the gap  
25 by making the \$8,000 payment, but it was still

FIRST COAST COURT REPORTERS

1 short by two months, so she would have been two  
2 months still past due. But they didn't act on it  
3 at the time, the commercial department didn't,  
4 they worked with her to get the payments  
5 received. Then it ultimately, through requests  
6 from her attorney to make sure the numbers were  
7 accurate, they did review them, made the  
8 adjustments, and then they got into the  
9 discussion again with respect to the proof of  
10 payments and things of that nature, which leads  
11 up to that.

12 So that was the whole bankruptcy  
13 post-petition in a nutshell for the overview  
14 about what happened. So this is the end  
15 negotiation, which did not net her making any  
16 more of a payment other than the \$3,000  
17 initially.

18 And basically her attorney says, "until  
19 you verify the escrow and the amounts," then  
20 she's not going to make any more of these  
21 payments.

22 And then Lolita Milner and Michael  
23 Altman worked to do this verification, which they  
24 did. It was in the system. And they reported it  
25 to her. And, needless to say, they then net it

FIRST COAST COURT REPORTERS

76

1 to, the bankruptcy was discharged.

2 So there was no remedy in order for her  
3 to bring these amounts that she didn't make under  
4 the bankruptcy current other than to reinstate  
5 the loan now that she had a discharge.

6 Q Looking at this now, which is  
7 correspondence between Lolita Milner and Michelle  
8 Penley, do you know what department Lolita Milner  
9 worked in at this time?

10 A Yes. She is in the commercial business  
11 unit.

12 Q Is Michelle Penley also in that unit?

13 A I'm not sure about Michelle. I do know  
14 that Lolita is.

15 Q And that next page, page 102 of 18 has a  
16 full signature block for Ms. Penley. Does that  
17 help?

18 A Okay. She was the portfolio manager  
19 then, yes, she was in the commercial department.  
20 So that makes sense, because there were -- in  
21 order to get a loan modification, they would have  
22 to have had investor approval. It makes sense  
23 that she was involved; she would have been  
24 working on those numbers.

25 MR. FINNER: I'm ready to move on from

FIRST COAST COURT REPORTERS

1 this exhibit. And I have a lot of windows  
2 open, so I'm going to go through the  
3 exhibits, not going to be referring to any  
4 more, and you guys can close them as well.  
5 Okay. Well, we have to leave 12 up.  
6 Let's take another ten minutes.

7 (Brief recess.)

8 MR. FINNER: Let's go back on.

9 BY MR. FINNER:

10 Q Could you open up Number 19, please.

11 And, after everybody has it open, can you say  
12 whether you've seen this document before?

13 A Yes, I have. It is the exports of the  
14 comments from PHH servicing the loan.

15 Q It's different from Exhibit 18 because  
16 it reflects comments made after the PHH's  
17 transfer; that's what's going on here?

18 A Well, this is -- 18 is Ocwen's comment  
19 logs from Real Servicing. And then 19 is going  
20 to be the comment log from PHH's MSP system.

21 Q What does NOTS statement refer to in the  
22 title of Exhibit 19?

23 A That is a title that is used by Black  
24 Knight for their reports, and it's basically  
25 saying its a customer-account note statement.

FIRST COAST COURT REPORTERS

78

1 NOTS would be the code that you would  
2 use in order -- it's with the loan number, under  
3 the loan number, and then you have to place in  
4 the work station, and then the notes code, and it  
5 will pull up the system notes that's listed in  
6 this report.

7 Q Looking at the eighth comment on this  
8 first page of Exhibit 19, comment dated February  
9 16, 2021, with the user IDBLC, it's -- I'm  
10 sorry -- user ID 8LV. See that comment?

11 A What's the date on that?

12 Q February 16, 2021. It's the third  
13 comment of that date.

14 MR. CROWLEY: What page?

15 MR. FINNER: Bates stamp 01761. I think  
16 it's page 815. I'm sorry.

17 A 8LV?

18 MR. CROWLEY: Sorry. I'm still not  
19 there.

20 MR. FINNER: Page 15 of Exhibit 19.

21 MR. CROWLEY: I'm there.

22 BY MR. FINNER:

23 Q My question is -- Ms. Feezer, this  
24 comment refers to worksheets. My question is  
25 whether worksheets described in this comment were

FIRST COAST COURT REPORTERS

1 ever produced with defendant's document  
2 production?

3 A I'd have to go back and look to see. I  
4 don't know. I think that they're -- if I'm not  
5 mistaken, they reopened the bankruptcy module at  
6 that juncture because these are now bankruptcy  
7 comments. And they are looking to, I guess,  
8 answer questions with respect to these balances.  
9 So they are asking for the worksheets  
10 with respect to the timing of the modification to  
11 what they are requesting. Ocwen's, this loan  
12 modification, would have been done under Real  
13 Servicing. And Real Servicing, based on the fact  
14 that all those systems that they use have been  
15 decommissioned, there were sheets that they were  
16 requesting, and PHH actually images those under  
17 the customer's loan number.

18 But Ocwen actually referred to those  
19 within the actual database. So I don't know that  
20 there would have been any calculation sheets that  
21 would have been available as of June of 2017.

22 However, what would be available would  
23 be the transaction histories with respect to the  
24 amounts that was then either capitalized or  
25 waived during the process of the loan

FIRST COAST COURT REPORTERS

80

1 modification, together with the comments of Real  
2 Servicing with respect to the balances and the  
3 amounts that was approved.

4 Q When was Real Servicing decommissioned?

5 A I want to say in July or August of 2019.

6 Q Can you describe the steps that were  
7 taken by Ocwen and PHH after the filing of this  
8 adversary proceeding in 2019 to preserve the  
9 account records of Ms. Fletcher's loan that were  
10 contained on Real Servicing?

11 A Well, Real Servicing, the database  
12 itself --

13 MR. CROWLEY: I was on mute. I'm  
14 objecting to the extent it calls for  
15 disclosure of communications with counsel.  
16 Other than that, you may answer.

17 A I was going to say the database itself  
18 was decommissioned, but the business records that  
19 was contained within Real Servicing was then  
20 incorporated and transferred over into a loan  
21 Boarding of any type of -- any type of loan, and  
22 it was Boarded into MSP, and Ocwen's business  
23 records was incorporated within PHH's business  
24 records.

25 So, with respect to systems of a prior

FIRST COAST COURT REPORTERS

1 servicer, I mean, they are not necessarily -- you  
2 know, like, even if we use MSP, our account would  
3 have been closed and our new account would be  
4 under PHH.

5 So this is not necessarily the ability  
6 to say that we can keep the actual system up and  
7 operating, but, with respect to the business, the  
8 underlying business records, we do have those  
9 records as it would relate to the images that was  
10 then transferred from Ocwen Loan Servicing over  
11 to PHH's imaging system, as well as the  
12 underlying information in the stage-five tables  
13 that we previously talked about. Those are  
14 available through the ability to pull a report  
15 based on obtaining the comments logs, which has  
16 been produced here in that format, as well as the  
17 other type of data points that was contained  
18 within the system.

19 But, with respect to other ancillary  
20 databases that we would have utilized that would  
21 have been a third-party database, you know, the  
22 database may still exists, but the client's  
23 underlying account wouldn't. So we wouldn't  
24 necessarily have access to those records if the  
25 account is no longer active.

FIRST COAST COURT REPORTERS

82

1 Q Did Ocwen or PHH, after they were served  
2 with Ms. Fletcher's lawsuit, undertake any steps  
3 to ensure that the records of PHH's account would  
4 remain available for the use of the lawsuit?

5 MR. CROWLEY: Same objection.

6 A Well, with respect to establishing  
7 records, we don't -- with an active loan, we  
8 wouldn't destroy records on an active loan.

9 And, with respect to the fact that it's  
10 in litigation, there is litigation flags on the  
11 loan. So, to the extent that the account is  
12 noted it's in litigation, there's -- it's really,  
13 being an active loan, it's not -- there's -- it's  
14 not the posture of business records being no  
15 longer kept on this loan; it's still an active  
16 loan.

17 Q With respect to those client accounts  
18 that went away when Real Servicing was retired,  
19 was any effort made by Ocwen or PHH to preserve  
20 for this litigation the information that could no  
21 longer be accessed through those client accounts?

22 MR. CROWLEY: Same objection.

23 A Well, with respect to the information,  
24 Ocwen utilized Real Servicing to document any  
25 type of modification. So the fact that this

FIRST COAST COURT REPORTERS

1 particular agent at PHH is referring to a system  
2 under what PHH's servicing model is doesn't  
3 necessarily mean that that's what Ocwen's  
4 servicing model was.

5 So the fact that they were referring to  
6 a worksheet, Ocwen's worksheet, is with respect  
7 to a loan modification, as noted in our comment  
8 log, there would have been -- the person would  
9 have pulled the numbers that would have been  
10 noted, and they would have -- that information  
11 would have been contained within the comment log.

12 So, with respect to the accounting, that  
13 would then flow over into the transaction  
14 history.

15 So I'm not sure to what extent they  
16 thought there was a worksheet available with  
17 respect to the underlying numbers, but the  
18 information is contained in the transaction  
19 history if they were to add them and make these  
20 calculations manually.

21 Q So are you saying, that after Real  
22 Servicing went down, there wasn't any information  
23 with Ms. Fletcher's loan that could no longer be  
24 accessed?

25 MR. CROWLEY: Objection to form. You  
FIRST COAST COURT REPORTERS

84

1 can answer.

2 A No, that's not what I stated. No, her  
3 information that was contained in Real Servicing  
4 is accessible through the underlying data tables  
5 that was contained in Real Servicing, is  
6 available to pull reports, to pull that  
7 information, such as the transaction histories,  
8 the comment logs.

9 With respect to the business records,  
10 they were then transported to the new imaging  
11 system.

12 So her servicing history is in tact with  
13 respect to Ocwen's servicing of the loan. I'm  
14 not sure what -- just because a system is not  
15 used, as I stated, that doesn't mean the  
16 information is not obtainable.

17 BY MR. FINNER:

18 Q Open up Exhibit Number 21, please.

19 When everybody has it open, could you  
20 tell us whether you've seen this document before?

21 MR. CROWLEY: I'm there.

22 A Yes, I have seen it before, and it's a  
23 compilation of emails between Lolita Millner and  
24 Michael Altman, who is in the commercial  
25 department, and they are around the timeframe of

FIRST COAST COURT REPORTERS

1 moving forward with the fact that we are -- we  
 2 weren't receiving post-petition payments for a  
 3 large period of time.  
 4 So this is communication started in  
 5 August of 2016 regarding the accounting and  
 6 payments. This is when they were accounting for  
 7 the payments' applications.

8 BY MR. FINNER:

9 Q What system are these emails contained  
 10 on?

11 A The data server for -- I'm not sure what  
 12 the server is called. They would be in our  
 13 network drives with respect to -- I'm not sure if  
 14 it's IT or the -- I'm not sure exactly which  
 15 department is in charge of them, if it's in the  
 16 IT department, but all of Ocwen's emails is  
 17 pretty much contained, from my understanding, on  
 18 a network drive or a network server.

19 Q And do these 12 pages in Exhibit Number  
 20 21 constitute all of the emails contained on that  
 21 email related to -- strike.

22 Do these 12 pages of Exhibit Number 21  
 23 constitute all of the emails with regard to  
 24 Ms. Fletcher's account that are contained on the  
 25 drive or server that you just testified about?

FIRST COAST COURT REPORTERS

1 MR. CROWLEY: Objection to form. Also  
 2 object to the extent it calls for any  
 3 discussions with counsel.  
 4 A To be honest with you, I'm not sure how  
 5 they were obtained. I wasn't involved in the  
 6 production of those documents, so I'm not exactly  
 7 sure what the source was, how they were produced.  
 8 So I don't know, sitting here today, the  
 9 answer to that question.

10 MR. FINNER: I'm going to ask for  
 11 production of all emails that are related to  
 12 Ms. Fletcher's accounts and identification  
 13 of all emails that won't be produced due to  
 14 attorney/client privilege.

15 MR. CROWLEY: We'll take your request  
 16 under advisement. I would ask that, at the  
 17 end of the deposition, since there is more  
 18 than one, that you give us a concise list of  
 19 what your requests are, and we'll take them  
 20 under consideration.

21 BY MR. FINNER:

22 Q Go ahead. And, actually, sticking with  
 23 Exhibit Number 21, there is a gap in the emails  
 24 from August 11th of 2016, which is the emails  
 25 from the first four pages, to April 25th of 2017,

FIRST COAST COURT REPORTERS

1 the date of the email contained on the last page,  
 2 Bates stamped 2002.

3 Were there any emails sent or received  
 4 regarding Ms. Fletcher's account between August  
 5 11, 2016 and April 25, 2017?

6 MR. CROWLEY: Objection to form. You  
 7 may answer.

8 A With respect to -- I don't have the  
 9 details regarding how they were compiled, so,  
 10 again, I don't believe that all of them are  
 11 related.

12 If you look at the subject line, the  
 13 subject line is different with respect to some of  
 14 these emails. So I don't know that this is  
 15 one -- I would not suspect this is one  
 16 large-trailing email. I do know that they are --  
 17 the subject matter of the emails is basically  
 18 proof of payment and things of that nature.

19 So the best I can answer is, I don't  
 20 think that they are all inclusive. And I'm not  
 21 sure, based on the sourcing, so I don't know if  
 22 what email gap with respect to the account would  
 23 have been in between that timeframe, other than  
 24 the fact that, if you do look into Ocwen's  
 25 comment log, a lot of this communication is

FIRST COAST COURT REPORTERS

1 contained within the comment log. And emails  
 2 kind of give it more of a context on what was  
 3 being said back and forth.

4 But the communication is pretty much  
 5 outlined in the comment log as to what was going  
 6 on with the account and who was handling it.

7 BY MR. FINNER:

8 Q Does Real Servicing have the ability to  
 9 include images from communications in the comment  
 10 log?

11 A Only if a user would have cut and pasted  
 12 the information in there. It didn't have -- like  
 13 the emails would have come through Outlook and  
 14 the -- obviously the database would have not been  
 15 in Outlook, I guess. It's not like they are the  
 16 same operating system, if you will.

17 So the communication would have had to  
 18 have been cut and pasted into the comment log and  
 19 saved as a comment by the person. So it would  
 20 have been a physical task, not an automated task.

21 Q And Exhibit Number 21 contains online  
 22 images of a number of these emails. Would there  
 23 be any way to get those actual images of  
 24 screenshots and checks and things like that into  
 25 the comments of Real Servicing?

FIRST COAST COURT REPORTERS

**A No. Because the comment log is only going to take digital text, but the images that you are looking at in this 21 are screenshots of what the Real Servicing looked like. That's the desktop of the transaction history with respect to the loan, and somebody just did a screenshot or cut and pasted that and placed it in the email.**

**And, with respect to the images of the checks, or any of other images, they would have been then obtained through some type of either clipart image or a jpeg image that would have been received and then incorporated -- would have been clipart from whatever the source of the information from where they were obtaining the information was.**

**Q Open, please, Exhibit Number 22. And tell us, when everybody is up to speed, whether you've seen this document before?**

**A Yes, I have seen it. And this is one of our system reports as relates to disputed items.**

**So it would be an analysis of an issue or concern as it would relate to the senior management and upper management reviewing the process of the underlying identified dispute.**

FIRST COAST COURT REPORTERS

**Q Does this particular report have a name?**

**A Yes. I mean, I refer to it as a root-cause report, but I believe it does have a name; risk management report, I believe it is.**

**Q Have you heard the term "risk convergence report"?**

**A Yes, I believe that's what they call it. I refer to it as a root-cause report.**

**Q Can you tell by looking at Exhibit Number 22 the period of time that's described by these pages?**

**A Looks like it was November of 2015.**

**Q You might have to magnify it a little, but please scroll to page 4 and identify the time period contained?**

**A January of 2016.**

**Q What time period is referenced by the pages after page 7?**

**A February of 2016.**

**Q Were any risk convergence reports produced after February of 2016?**

**A Produced in production?**

**Q No. Did Ocwen or PHH have such reports after February of 2016?**

**A I wasn't involved with obtaining these**

FIRST COAST COURT REPORTERS

**documents.**

[Experiencing technical issues.]

BY MR. FINNER:

**Q The last thing we heard --**  
(The Court reporter read back the last question and answer.)

**A My Zoom went all the way down. No, I wasn't involved with obtaining the documents, so I would have to check with the risk management team, through counsel, because I didn't obtain these.**

**But they are not loan level documents. These are obtained through approval to get them, because they're basically administrative documents.**

BY MR. FINNER:

**Q Do any records, risk convergence reports, exist for periods prior to November of 2015?**

**A Again, I'm not familiar with the -- I didn't obtain the report, so that's something I would have to verify through the risk management team and counsel. Because I wouldn't even have had access to these as a lien analyst with respect to, they are not a lien-level type**

FIRST COAST COURT REPORTERS

**document.**

**So they were obtained through upper management in order to even have them released. So I don't know.**

**Q Can you identify any time-period or periods for which you are aware that risk convergent reports exist?**

**A I don't know. I don't have any personal knowledge on when -- what the benchmarks are or any of that type of data.**

**Again, they're administrative records and they are not loan level, which is what I would handle in a customer dispute; loan-level type documentation or servicing.**

**So, again, I would have to verify that through getting approval through the company in order to make any inquiry with respect to their administrative records regarding the risk convergence.**

**Q What's your job title at Ocwen Financial?**

**A A Senior Loan Analyst.**

**Q What's the name of the team or group in which you work?**

**A I work in the law department. We're**

FIRST COAST COURT REPORTERS



1 basically a corporate representative who is  
2 responsible for reviewing contested litigated  
3 matters that are within the law department and  
4 reporting our findings on any research or  
5 verification of the business records to outside  
6 counsel.

7 Then, of course, that involves from time  
8 to time that we would have to appear for either  
9 depositions such as this, trials, to verify and  
10 answer to the servicing history of the loan.

11 And we deal with, again, loan-level type  
12 matters as it relates to a customer's account,  
13 not necessarily business records, because that  
14 would be beyond the customer's account into the  
15 administrative end; that's not what our business  
16 unit does.

17 Q Does that mean that you don't have  
18 access to reports that are contained in Exhibit  
19 22?

20 A No. They are administrative records  
21 that are -- these type of records would have  
22 needed approval to even obtain those.

23 So, with respect to that process, that  
24 was -- I was not involved in that process. I  
25 know I have only had access to them based on the  
FIRST COAST COURT REPORTERS

1 fact that they were produced and was a topic of  
2 this particular litigation. I am familiar with  
3 the information contained within them as an  
4 employee of Ocwen for a number of years and  
5 understand the underlying purpose of processing  
6 of the reports.

7 But, with respect to having access to  
8 those reports, there is really nothing in my job  
9 duty that gives rise to need access to those type  
10 of reports, because it's the customer's account,  
11 and accounting is all contained within the  
12 comment log.

13 So, if there was a dispute or any type  
14 of issue that would have been raised regarding  
15 the customer disputing or having any issue with  
16 the account, all of that is contained within the  
17 comment log.

18 So there is really no reason to look to  
19 the administrative records, which are not even  
20 categorized by a loan number, but by a process  
21 that an administrative view of the business  
22 records would be.

23 Q Do you have an understanding of the  
24 Chapter 13 Bankruptcy issues that are described  
25 in Exhibit Number 22?

1 A In particular? I mean, 22 is a long  
2 document.

3 Is there anything in particular that you  
4 are referencing to?

5 Q Have either Ocwen or PHH in the course  
6 of their business operations identified any  
7 deficiencies with regard to the way its data  
8 system allowed them to handle loans of borrowers  
9 who is in Chapter 13 Bankruptcy?

10 MR. CROWLEY: Objection to the extent it  
11 calls to disclose information learned from  
12 discussion with counsel.

13 And I think this is beyond the scope,  
14 but I will allow her to answer as best she  
15 can without revealing discussions with  
16 counsel.

17 A I was going to say, to talk to anything  
18 beyond what the face of the document indicates, I  
19 would be -- again, as I stated, this is an  
20 administrative document that I only have access  
21 to based on the fact that it was produced for  
22 this discovery. It's not contained in  
23 Ms. Fletcher's loan.

24 So, anything that I have learned about  
25 this particular document has been in the confines  
FIRST COAST COURT REPORTERS

1 of counsel and the fact that it was produced.

2 So I can, again, just state that the  
3 information contained in there is basically what  
4 the issue was and what it identified and what the  
5 process was. That's basically all the  
6 information that I have.

7 BY MR. FINNER:

8 Q When did you begin working at Ocwen?

9 A In October of 2004.

10 Q What was of the system of record at that  
11 time?

12 MR. CROWLEY: Objection. You may  
13 answer. Are you asking about the servicing  
14 platform?

15 BY MR. FINNER:

16 Q Do you understand the question I asked,  
17 Ms. Feezer, about the system of record?

18 A Well, that's what I had asked you --  
19 well, counsel had asked.

20 Are you referring to the database?

21 MR. FINNER: I can ask that question,  
22 Frank.

23 BY MR. FINNER:

24 Q What was the servicing platform that  
25 Ocwen used on its loan secured by Real Property

1 when you began working at Ocwen?

2 **A Real Servicing.**

3 **Q** And did Real Servicing remain the  
4 servicing platform until the PHH merger?

5 **A Yes. It was.**

6 **Q** Did PHH use Real Servicing at all  
7 following the merger?

8 **A No.**

9 **Q** From the time you started until the time  
10 of the merger are you aware of any changes made  
11 in the way that Real Servicing maintains or makes  
12 information available about customers who are in  
13 Chapter 13 Bankruptcy?

14 MR. CROWLEY: Objection to form. You  
15 can answer.

16 **A I didn't really understand.**

17 BY MR. FINNER:

18 **Q** Can you describe any changes that you  
19 know of during the course of your employment in  
20 the way that Real Servicing maintains or reflects  
21 loans whose customers are in Chapter 13?

22 **A I still -- the question is very vague to**  
23 **me. I don't understand what you mean, was there**  
24 **any changes that would change the way that it**  
25 **reflects an account in Chapter 13.**

FIRST COAST COURT REPORTERS

1 **Can you give me a little bit more**  
2 **information about what you are referring to?**  
3 **Because Real Servicing always would have**  
4 **identified a bankruptcy loan, and it would have**  
5 **been based on the BK flag and whatever chapter**  
6 **they filed. So if they filed Chapter 13, it**  
7 **would be a BK-13 on the loan.**

8 **I'm not following your question as to**  
9 **what you mean "was there changes to this."**

10 **Q** Between 2004 and 2019 did users of the  
11 Real Servicing platform gain the ability to  
12 access any additional information or any  
13 information formatted or presented in different  
14 ways for borrowers who are in bankruptcy?

15 MR. CROWLEY: Objection to form.

16 **A I'm not following your question**  
17 **about -- with respect to what Real Servicing**  
18 **identified as a bankruptcy case.**

19 **If the loan was identified in**  
20 **bankruptcy, there would be a BK flag up, again,**  
21 **with the chapter. So, with respect to being able**  
22 **to identify a loan in BK, all systems, anybody**  
23 **that opened the account would see that there**  
24 **would be a BK flag on there and it had certain**  
25 **operational affects with respect to the type of**

FIRST COAST COURT REPORTERS

1 **correspond that would be sent out based on the**  
2 **fact that there was that BK flag on the loan.**

3 **That's the best I can answer your**  
4 **question, as I'm understanding it.**

5 BY MR. FINNER:

6 **Q** You are not aware of any changes during  
7 that time period?

8 MR. CROWLEY: Objection to form. That's  
9 not what the witness said. Go ahead.

10 **A With respect to the fact that various**  
11 **communication would be based on -- as the**  
12 **progress of the loan goes, and as laws change,**  
13 **yes, there may be different processes or**  
14 **different formats of a template of a letter,**  
15 **things of that nature.**  
16 **But, with respect to their -- with**  
17 **respect to the changes, the changes would have**  
18 **been with the progression of, say, the types, the**  
19 **way the Proof of Claim form changed, then the way**  
20 **that information is contained in Real Servicing**  
21 **would then populate into the new form.**

22 **So the underlying Real Servicing**  
23 **information was still contained within there and**  
24 **identified as a bankruptcy loan. But maybe the**  
25 **processes of sending a letter or account**

FIRST COAST COURT REPORTERS

1 **statement, something like that, would have**  
2 **changed, along with the progression of time and**  
3 **requirements by the Bankruptcy Court or**  
4 **municipalities and certain type of letters that**  
5 **needs to be sent out, things of that nature.**

6 BY MR. FINNER:

7 **Q** Turn, if you can, to page 21 of Exhibit  
8 Number 22.

9 Looks as though the first un-redacted  
10 portion is on the ninth line, begins BK BU on the  
11 far left?

12 Do you see that, Ms. Feezer?

13 **A Yes.**

14 **Q** You may need to enlarge your view to be  
15 able to read this text.

16 **A Mine was set to 400.**

17 **Q** Okay. Can you just read that first  
18 sentence, BK BU. You don't have to read to into  
19 the record; just read it to yourself and state  
20 whether you were aware there was a dashboard  
21 implemented as described in this?

22 **A Well, with respect to the dashboard,**  
23 **this dashboard is, again, Real Servicing. This**  
24 **dashboard they're referring to is in Real**  
25 **Resolution, and its -- well, Real Resolution, and**

FIRST COAST COURT REPORTERS

1 I think it changed over to Equator or something  
2 else.

3 This dashboard basically is tracking the  
4 referral package. This isn't necessarily talking  
5 about Real Servicing; it's talking about how Real  
6 Resolution or Equator, or whatever was in the  
7 portal that was utilized during this time period  
8 by the business unit, to communicate with outside  
9 counsel when they were submitting a report for  
10 any type of action.

11 Q Is Real Resolution such a portal?

12 A Well, Real Servicing is one of the  
13 original -- I know that the bankruptcy department  
14 switched over to Equator at some point. I  
15 apologize, but I don't have the date ingrained in  
16 my brain as to when that happened.

17 But essentially it was the same type of  
18 mechanism used to communicate between outside  
19 counsel with respect to the timeline of the  
20 dashboard, if you will. So it basically has the  
21 dates the referral was sent. And then it has the  
22 milestones that the coordinator is going to then  
23 check to make sure that -- as this referral goes  
24 out, they check to see -- like, it refers to a  
25 Motion for Relief. They are going to send a

FIRST COAST COURT REPORTERS

102

1 referral up, they're going to say the date that  
2 they did that and follow-up -- that's going to  
3 tell them in so many days to follow up with the  
4 one that was filed and follow up to see if it was  
5 filed.

6 So this is what -- this is referring to  
7 here, in this dashboard, with respect to tracking  
8 this, and this information would then speak back  
9 to and be populated into Real Servicing in some  
10 form or fashion with respect to, a Motion for  
11 Referral was sent out, things of that nature.

12 It's not like it's an -- information  
13 that's not housed or contained within Real  
14 Servicing, but it's being -- the portal was  
15 being -- sort of talks to the attorney and  
16 transmits the document in a secured platform  
17 through those portals.

18 Q Would you go back to page 20 of this  
19 Exhibit Number 22.

20 And if you go to the eighth line, first  
21 non-redacted information, first sentence on the  
22 left-hand side, "Ocwen does not have an effective  
23 control in place to ensure pre- and post-petition  
24 bankruptcy payments are applied timely and  
25 accurately.

FIRST COAST COURT REPORTERS

1 And my first question is, can you tell  
2 from the document if either the name of the  
3 individual or that person's job capacity of who  
4 made the observation that's contained in this  
5 sentence?

6 A I apologize. I think my system may have  
7 froze in the middle of where you wanted me to  
8 look at. I think I got the second part. Point  
9 me to --

10 Q Eight lines down on page 20 of Exhibit  
11 22, sentence begins "Ocwen does not have."

12 And the question is, what is the name of  
13 the individual or that person's job capacity who  
14 wrote that sentence?

15 A You are referring to the line "Proof of  
16 Claim"?

17 Q No.

18 A Okay.

19 Q We're on page 20, it's eight lines down,  
20 nine lines including the header. On page 20 of  
21 Exhibit 22, eight lines down, sentence starts  
22 "Ocwen does not have."

23 Do you see that?

24 A I'm sorry. So you are talking about the  
25 first block. I was counting eight lines down

FIRST COAST COURT REPORTERS

104

1 from that block. I apologize.

2 I see that line, yes.

3 Q Do you know who wrote that line?

4 A Let me read it.

5 No, it doesn't indicate in this as to  
6 who actually made this analysis, other than the  
7 fact that it was from an external audit and it's  
8 relating to a GSE type -- so it looks to me  
9 like -- because Fannie and Freddie have very  
10 specific timelines, guidelines, things of that  
11 nature, so this is -- this wasn't an internal  
12 comment being made.

13 This was an external audit based on a  
14 review with the guise from the eye of Fannie --  
15 well, looks like Freddie guidelines.

16 Q If you go back to the previous page,  
17 page 19, looks like the way the spreadsheet is  
18 printed -- I'd like you to look at the line for  
19 issue number 194 and let us know if that gives  
20 you more information about the misapplication  
21 issue?

22 A I lost part of -- you broke up. I heard  
23 "go to 194 and we're going to look at the issue  
24 that was identified."

25 Q Yes. Does line -- does the information

FIRST COAST COURT REPORTERS

1 in that line beginning with 194 give you any more  
2 information regarding who was involved with this  
3 misapplication of Chapter 13 Bankruptcy plan  
4 payments issued?

5 MR. CROWLEY: Objection to form. You  
6 may answer.

7 **A Well, with respect to this particular**  
8 **line, it's identifying the business units that is**  
9 **involved, and it would identify the department**  
10 **and who was involved, who would have been the**  
11 **manager of the department at the time.**

12 **So, with respect to, again, the source**  
13 **of the information, it doesn't necessarily**  
14 **provide, just other than identifying now the**  
15 **business unit that's involved.**

16 BY MR. FINNER:

17 **Q Do you know where Matthew Tanner worked**  
18 **in February of 2016?**

19 **A I am not aware of a Matthew Tanner, so I**  
20 **don't know.**

21 **Q Do you know where Kelly Gonzales worked**  
22 **in February of 2016?**

23 **A I'm not familiar with a Kelly Gonzales**  
24 **either, so, no, I do not know.**

25 **Q Do you know where Patrick Cox worked in**  
FIRST COAST COURT REPORTERS

1 2016?

2 **A I am familiar with Patrick Cox. I'm not**  
3 **sure what office he was out of. I would have to**  
4 **check. I believe it was West Palm, but I'm not**  
5 **sure.**

6 **Q Do you know where he works now?**

7 **A I don't know if he's with our company**  
8 **anymore. I would have to check.**

9 **Q What was your job title when you began**  
10 **at Ocwen in 2004?**

11 **A I was the manager of the bankruptcy**  
12 **department.**

13 **Q When did you assume your current role?**

14 **A In May of 2006.**

15 **Q Since that time have you testified in**  
16 **other court proceedings?**

17 **A Well, that would have been May of --**  
18 **during the time I was the bankruptcy manager, did**  
19 **I testify? I managed the bankruptcy department.**

20 **But, yes, since May of 2006 in my role**  
21 **as Senior Loan Analyst I have testified on behalf**  
22 **of the company.**

23 **Q Do you know how many trials you've**  
24 **testified at?**

25 **A I do not.**

1 **Q More than a hundred?**

2 **A Well, considering the amount of time, I**  
3 **would probably say that's not an**  
4 **under-estimation. It's been a lot.**

5 **Q Do you know how many depositions you've**  
6 **testified at?**

7 **A I do not.**

8 **Q More than a hundred?**

9 **A Definitely probably more than a hundred,**  
10 **yes.**

11 **Q Have you always used the name "Gina**  
12 **Feezer" professionally?**

13 **A No. When I first was hired at Ocwen I**  
14 **was married and my name was Gina Johnson. Upon**  
15 **getting a divorce, I have taken my maiden name**  
16 **"Feezer," so I can't remember exactly what**  
17 **time -- I think it was in 2013, somewhere around**  
18 **that, that I converted back to Feezer, as opposed**  
19 **to Johnson.**

20 **Q Open up Exhibit 24, please.**

21 MR. CROWLEY: Okay.

22 **A Here it is.**

23 BY MR. FINNER:

24 **Q On the second page of this Exhibit,**  
25 **about two thirds of the way down, there is a**

1 reference to the testimony of Ocwen's corporate  
2 representative and senior loan analyst Gina  
3 Johnson?

4 MR. CROWLEY: I object to any line of  
5 questioning about the document; it's not  
6 within the scope of the deposition notice.  
7 I'll allow the witness to answer.

8 **A You said on page -- what line?**

9 BY MR. FINNER:

10 **Q Page 2, about four fifths of the way**  
11 **down that paragraph, headed "Proof at Trial"?**

12 **A Okay.**

13 **Q Does this document refer to your**  
14 **testimony in another case?**

15 **A Yes.**

16 **Q Do you remember this case?**

17 **A Let me just look through here.**  
18 **Yes, I do.**

19 MR. FINNER: That's all of the questions  
20 I have at this time. Because there appears  
21 to be some documents that we're going to be  
22 asking for, I'm going to continue rather  
23 than end the deposition.

24 I don't mind if you have any cross,  
25 Frank, if you want to go ahead.

1 MR. CROWLEY: I do have cross. We don't  
2 necessarily agree it should be kept open. I  
3 would like to take a break for five minutes  
4 and see what questions I may ask.  
5 (Brief recess.)

6 **CROSS EXAMINATION**

7 **BY MR. CROWLEY:**

8 **Q** I think I just have about five  
9 questions.

10 Ms. Feezer, if you would turn back to  
11 Exhibit 18, page 87?

12 **A All right.**

13 **Q** And this is in reference to questions  
14 earlier from Mr. Finner about the entry that says  
15 "please locate funds in the amount of \$2,471."

16 Do you see that?

17 **A Yes.**

18 **Q** Now, if you would now take a look,  
19 please, at Exhibit Number 20, on the first page?

20 **A Okay. I've got to open it back up.**

21 **Okay.**

22 **Q** Does this check request you testified  
23 about earlier, does it relate to that entry in  
24 the notes that I just showed you?

25 **A Yes.**

FIRST COAST COURT REPORTERS

1 **Q** In what way?

2 **A In the fact that it was a check that**  
3 **Ms. Fletcher presented to Aurora during the time**  
4 **of her -- I guess prior to her filing bankruptcy**  
5 **they rejected a payment that they had received**  
6 **and they returned it back to her. And it looks**  
7 **like they did it on 6/21 of 2011. And it does**  
8 **not show this amount was posted to their**  
9 **transaction history in any way, whatsoever.**

10 **Q** Was that the resolution of the request  
11 in the note?

12 **A Yes. I mean, eventually, yes. I mean,**  
13 **it was researched and verified and reverified**  
14 **based on the fact that, like I said, Ms. Fletcher**  
15 **and her attorney, at the time that they were**  
16 **trying to get adequate protection payment, well,**  
17 **to make the payment again, to bring the account**  
18 **current again, post-petition.**

19 **They double-checked this again and**  
20 **verified, despite the fact that she had a check**  
21 **that she submitted, they didn't post it, and**  
22 **these were business records that were in our**  
23 **system that basically was the outcome of what**  
24 **happened with that particular check and that they**  
25 **returned it to back to the borrower.**

FIRST COAST COURT REPORTERS

1 **Q** Since it was returned back to the  
2 borrower, should it have been posted into the  
3 records?

4 MR. FINNER: Objection to the form of  
5 the question.

6 **A If it was returned, it wouldn't be**  
7 **posted on the transaction history as a credit for**  
8 **a payment.**

9 BY MR. CROWLEY:

10 **Q** Okay.

11 **A But there is obviously going to be**  
12 **business records, because this was part of the**  
13 **servicing history.**

14 **Q** Thank you. If you would now go back to  
15 Exhibit 18 again, page --

16 **A 90.**

17 **Q** Yes, 90. Specifically I'm going to  
18 refer you to the entries on 9/21 with references  
19 to "hence, closing work-flow, reconciliation  
20 rejected by QC. Received call from LM BK  
21 Department Houston. No adjustment should be made  
22 to the loan at this time."

23 Do you recall discussing those entries  
24 earlier with Mr. Finner?

25 **A Yes.**

FIRST COAST COURT REPORTERS

1 **Q** As I recall your testimony, this  
2 indicated bankruptcy group was no longer to  
3 proceed with the reconciliation; is that correct?

4 **A Correct.**

5 **Q** Who was going to take it over at that  
6 point?

7 **A Well, the commercial department. The**  
8 **commercial department just had the reconciliation**  
9 **completed, but the reconciliation team that's**  
10 **within the bankruptcy department at Ocwen -- this**  
11 **is a commercial loan, so any of the accounting**  
12 **and account adjustments would have then been**  
13 **handled by the commercial department, because**  
14 **they were handling all of the account review**  
15 **analyses and things of that nature.**

16 **So that would have kicked back over to**  
17 **Michael Altman and Lolita Milner, and they would**  
18 **have then taken it from there in order to make**  
19 **whatever adjustments necessary.**

20 **Q** Did they, in fact, do a reconciliation?

21 **A Yes, absolutely. That department was**  
22 **doing a reconciliation a number of times, yes.**

23 **Q** And have you reviewed the final  
24 reconciliation that they did?

25 **A Yes. It was very extensive and it was**

FIRST COAST COURT REPORTERS



1 very inclusive. They actually went back, and  
2 based on that exchange between Ms. Fletcher and  
3 her attorney about sending in proof of payments,  
4 that made that verification through all of the  
5 payments that she had submitted, and they  
6 addressed and identified how they were all  
7 posted. And the account was then adjusted and  
8 corrected.

9 And all that was taking place, based on  
10 the line of communication back and forth, again,  
11 while trying to get this adequate protection  
12 order back on track and get the account  
13 post-petition current.

14 By the time the loan had actually  
15 reached the stage -- reached the stage of  
16 receiving this, we were basically on a timing of  
17 waiting for the last trustee payment to disburse.  
18 They already knew how it was going to apply.  
19 Once it applied, that is pretty much it and the  
20 account was ultimately discharged.

21 Q And, based on your review, was that  
22 reconciliation accurate?

23 A Yes.

24 MR. FINNER: Objection to the form of  
25 that question.

FIRST COAST COURT REPORTERS

1 A With respect to the accounting, like I  
2 said, they went all the way back and they  
3 addressed each and every single payment, each and  
4 every single application of that payment, and the  
5 full reconciliation was actually done prior to  
6 the actual receiving the discharge.

7 We finally received the last trustee  
8 payment that was applied. And then the payment  
9 that the customer made, the \$3,000 payment, was  
10 received and applied. So all of the funds were  
11 received and applied, but the account was never  
12 brought post-petition current prior to the  
13 discharge being entered.

14 BY MR. CROWLEY:

15 Q If you would look at page 101 of that  
16 same exhibit, please. This is the reference from  
17 Lolita Millner dated December 14, 2016, that you  
18 testified about earlier?

19 A Right.

20 Q Okay. In there, it says "this is a very  
21 complicated case. It was a split loan that  
22 wasn't adjusted correctly."

23 Who was it that didn't adjust it  
24 correctly?

25 A Well, as we found out at Ocwen, after

FIRST COAST COURT REPORTERS

1 receiving the histories, is that, if you look at  
2 the manner in which Aurora had split the payment  
3 amount, they reported to Ocwen that the  
4 account was -- that the balance left was the  
5 \$60,000. I think I addressed this early on when  
6 we were looking at that transaction history.

7 But the reality is, if you look at the  
8 business records in the trustees' ledger,  
9 simultaneously with the adjustments that they are  
10 reporting to us, it would appear that Aurora is  
11 saying over 13,000 was applied towards this loan,  
12 when we know that, by the trustee's own ledger,  
13 the trustee hadn't even disbursed \$13,000 towards  
14 that deferred principle balance.

15 So they had the categories -- even  
16 though they separated it and deferred it as a  
17 deferred principle balance, they didn't have all  
18 the funds correctly inside of that deferred  
19 principal balance, thus causing some of the  
20 confusion.

21 Once it Boarded at Ocwen with respect to  
22 what the categories were, and as I'd testified  
23 about earlier, that's when we went through those  
24 few entries on the transaction history about how  
25 Ocwen then took that \$60,000, broke it up, and

FIRST COAST COURT REPORTERS

1 placed it back on the loan in, as we identified,  
2 the four categories that covered that amount of  
3 the \$60,000.

4 Q Okay. If you would now look at Exhibit  
5 22, please, page 20?

6 A Okay.

7 Q This was the entry that says Ocwen did,  
8 you know, have effective control in place to  
9 ensure pre- and post-petition payments were  
10 applied timely and accurately.

11 With regard to that sentence, in your  
12 review of the business record relating to this  
13 loan, did you see any indication that pre- and  
14 post-petition payments were not applied timely or  
15 accurately on Ms. Fletcher's loan?

16 MR. FINNER: Objection to the form of  
17 the question.

18 BY MR. CROWLEY:

19 Q You may answer.

20 A No. When we received a payment, it was  
21 posted, and it posted -- according to the spread,  
22 there doesn't appear in any of the transaction  
23 history postings that it was posting/paying down  
24 any balance other than what the payment amount  
25 was intended.

FIRST COAST COURT REPORTERS

1 **Q** And, finally, there was some discussion  
2 earlier regarding worksheets regarding the loan  
3 balance on the loan module.

4 Have you reviewed the loan module?

5 **A Yes, I have.**

6 **Q** In terms of the review of the business  
7 records that you testified to earlier, was the  
8 principle amounts in the loan module accurate?

9 MR. FINNER: Objection to form of the  
10 question. You can answer.

11 **A Well, it was reflective of the amounts**  
12 **that was showing post-discharge and it, you know,**  
13 **covered any post discharge -- I think it was two**  
14 **post-discharge payments was applied to the loan,**  
15 **and, yes, it accurately reflected the amounts**  
16 **that were due at the time of the discharge of the**  
17 **bankruptcy as it related to the amounts reflected**  
18 **and noted in the payment to cure or the response**  
19 **to the trustee's payment to cure that the**  
20 **commercial department had filed in the Bankruptcy**  
21 **Court.**

22 MR. CROWLEY: Thanks. I have nothing  
23 further.

24 MR. FINNER: One follow-up.

25 **FURTHER EXAMINATION**  
FIRST COAST COURT REPORTERS

118

1 **BY MR. FINNER:**

2 **Q** You had talked about viewing documents  
3 that reflected the commercial department's  
4 reconciliation of Ms. Fletcher's loan.

5 Do you remember that testimony?

6 **A I do.**

7 **Q** Were those documents that you reviewed  
8 included in Exhibit Number 12, which is the full  
9 set of production?

10 **A Let me pull up 12 gain. But I think, if**  
11 **you look at the -- which probably is better if**  
12 **you actually had a copy of the one from**  
13 **Bankruptcy Court. At page Bates stamp PHH 201**  
14 **there is a chart that is contained within there**  
15 **that they had filed with the Notice of Final**  
16 **Cure.**

17 **And then let me see if the --**

18 MR. CROWLEY: Wendell, may I ask one  
19 question?

20 MR. FINNER: I think it would be good if  
21 Ms. Feezer reviewed all of the production.  
22 She already testified about it.

23 **A I'm now down to 19. I'm in the 19's, so**  
24 **we're getting there.**

25 **A better copy of that chart allocation**  
FIRST COAST COURT REPORTERS

1 **of payments is also found on Bates stamp 2031.**

2 **You can actually see the chart on that one.**

3 BY MR. FINNER:

4 **Q** Does that complete your answer,  
5 Ms. Feezer; are there any other documents that  
6 reflect the reconciliation that you've testified  
7 to about the commercial department?

8 **A I mean, outside of the comments and**  
9 **various emails. But, yes, there is basically the**  
10 **results of the full reconciliation that had taken**  
11 **place with respect to responding to the Notice of**  
12 **Final Cure.**

13 **Q** Other than communications between Ocwen  
14 and its attorneys, are you aware of any documents  
15 that relate to Ms. Fletcher's account that are  
16 not contained in Exhibit 12?

17 **A As relates to the accounting?**

18 MR. CROWLEY: Objection to form. But  
19 you may answer.

20 **A With respect to business records of**  
21 **accounting, or business records, I'm -- I guess I**  
22 **don't understand the question.**

23 **Can you clarify?**

24 BY MR. FINNER:

25 **Q** Any business records of your company  
FIRST COAST COURT REPORTERS

120

1 about Ms. Fletcher's loan that aren't contained  
2 in Exhibit Number 12 besides communications with  
3 your company's attorneys?

4 MR. CROWLEY: Objection to form. You  
5 can answer.

6 **A To the extent I can best answer that, a**  
7 **lot of the information was between the business**  
8 **unit, the commercial business unit, and counsel**  
9 **as they were working toward this post-petition**  
10 **delinquency.**

11 **But, with respect to what I can say that**  
12 **is not privilege to that, is all of comment**  
13 **communication that is contained in the comment**  
14 **log of Ocwen Loan Servicing.**

15 **Q** Is your answer that you are not aware of  
16 any documents other than attorney/client  
17 communications about Ms. Fletcher's loan that  
18 aren't contained in Exhibit Number 12?

19 MR. CROWLEY: Objection to form. You  
20 can answer.

21 **A Not that I am aware of, no.**

22 MR. FINNER: That's all I have for now.

23 MR. CROWLEY: If I may, I have one  
24 follow-up question.

25 MR. FINNER: Uh-huh (nods yes).

FIRST COAST COURT REPORTERS

**FURTHER EXAMINATION**

**C E R T I F I C A T E**

**BY MR. CROWLEY:**

**Q** With regard to the reconciliation by the commercial loan department, was that also reflected in the attachment that was submitted to the Bankruptcy Court in response to the Notice of Final Cure?

**A Yes, it was.**

MR. CROWLEY: Thank you. That's all I have.

---  
(End of proceeding at 3:27.)

FIRST COAST COURT REPORTERS

STATE OF FLORIDA )  
COUNTY OF DUVAL )

I, Robin Reynolds, Certified Court Reporter and Notary Public, duly qualified in and for the State of Florida, do hereby certify that I was authorized to and did stenographically report the foregoing deposition;

And that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 11th day of November, 2022.

*Robin Reynolds*

Robin Reynolds, Court Reporter

FIRST COAST COURT REPORTERS

**C E R T I F I C A T E O F O A T H**

STATE OF FLORIDA )  
COUNTY OF DUVAL )

I, the undersigned authority, do hereby certify that the aforementioned witness appeared before me via videoconference and was first duly sworn to testify to the whole truth.

WITNESS my hand and official seal this 3rd day of November, 2022.

*Robin Reynolds*

Robin Reynolds, Court Reporter

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**E R R A T A S H E E T**

IN RE: FLETCHER V U.S. BANK, et al  
DEPOSITION OF: Gina Feezer  
DATE TAKEN: November 3, 2022

DO NOT WRITE ON THE TRANSCRIPT  
ENTER CHANGES HERE

Please sign, date, and return this sheet to our office. If additional lines are required for corrections, attach additional sheets.

At the time of the reading and signing of the deposition, the following changes were noted:

PAGE LINE SHOULD READ:

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Gina Feezer Date: \_\_\_\_\_

e-copy: Wendell Finner, Esq.

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<p><b>\$</b></p> <p><b>\$1,400</b> [1] - 52:2  <b>\$1,900</b> [1] - 51:23  <b>\$10,000</b> [1] - 38:8  <b>\$13,000</b> [1] - 115:13  <b>\$181,042.55</b> [1] - 38:3  <b>\$2,471</b> [1] - 109:15  <b>\$2,474.15</b> [1] - 37:21  <b>\$23,428.63</b> [1] - 37:23  <b>\$3,000</b> [2] - 75:16, 114:9  <b>\$3,604.81</b> [1] - 40:7  <b>\$30,331.91</b> [1] - 37:25  <b>\$33,081.99</b> [1] - 40:10  <b>\$41,325.21</b> [1] - 41:5  <b>\$5,450</b> [2] - 38:17, 38:21  <b>\$5,450.97</b> [1] - 40:6  <b>\$522</b> [1] - 52:4  <b>\$60,000</b> [3] - 115:5, 115:25, 116:3  <b>\$60,768.32</b> [1] - 37:12  <b>\$750</b> [2] - 40:22, 41:6  <b>\$8,000</b> [2] - 73:10, 74:25  <b>\$8,243.22</b> [1] - 41:3  <b>\$8,993.22</b> [1] - 41:3</p>	<p><b>109</b> [1] - 3:4  <b>10:05</b> [1] - 1:13  <b>11</b> [5] - 18:22, 19:2, 23:23, 24:3, 87:5  <b>117</b> [1] - 3:5  <b>11th</b> [2] - 86:24, 123:19  <b>12</b> [15] - 3:19, 25:4, 42:18, 43:5, 43:7, 43:9, 43:16, 77:5, 85:19, 85:22, 118:8, 118:10, 119:16, 120:2, 120:18  <b>121</b> [1] - 3:5  <b>12th</b> [1] - 72:13  <b>13</b> [30] - 1:5, 3:12, 3:14, 17:16, 17:19, 17:22, 19:2, 19:4, 19:14, 19:17, 20:8, 20:17, 21:5, 21:14, 21:18, 21:22, 22:4, 24:15, 24:17, 28:4, 28:13, 28:15, 94:24, 95:9, 97:13, 97:21, 97:25, 98:6, 105:3  <b>13,000</b> [1] - 115:11  <b>130</b> [1] - 2:9  <b>14</b> [10] - 25:18, 28:4, 28:13, 28:15, 60:25, 61:2, 61:6, 61:12, 62:1, 114:17  <b>15</b> [9] - 3:12, 3:16, 27:15, 27:18, 27:25, 28:5, 28:13, 28:15, 78:20  <b>1517</b> [3] - 42:23, 42:24, 43:8  <b>1536</b> [1] - 43:9  <b>16</b> [9] - 3:18, 24:18, 28:18, 30:15, 31:7, 35:6, 48:5, 78:9, 78:12  <b>1621</b> [1] - 56:4  <b>1622</b> [1] - 57:21  <b>1623</b> [1] - 58:15  <b>1624</b> [2] - 53:1, 54:11  <b>1625</b> [3] - 56:16, 58:25, 64:14  <b>1636</b> [1] - 43:17  <b>16th</b> [3] - 47:8, 47:25, 48:3  <b>17</b> [9] - 3:14, 32:25, 33:3, 36:4, 36:8, 39:12, 39:22, 45:21, 46:1  <b>1742</b> [2] - 42:24, 43:7  <b>1746</b> [1] - 43:17  <b>176.00</b> [1] - 61:10  <b>1761</b> [1] - 43:8  <b>18</b> [26] - 3:14, 3:19,</p>	<p>43:10, 44:14, 47:7, 47:14, 47:24, 49:7, 50:11, 50:16, 56:3, 56:16, 57:20, 58:25, 60:12, 61:14, 62:1, 62:3, 62:11, 64:14, 67:3, 76:15, 77:15, 77:18, 109:11, 111:15  <b>18th</b> [1] - 2:9  <b>19</b> [8] - 3:20, 77:10, 77:19, 77:22, 78:8, 78:20, 104:17, 118:23  <b>19's</b> [1] - 118:23  <b>19-ap-00218</b> [1] - 1:6  <b>19103</b> [1] - 2:9  <b>194</b> [3] - 104:19, 104:23, 105:1  <b>1:11-bk-21424</b> [1] - 1:4  <b>1st</b> [2] - 5:22, 46:25</p>	<p>85:5, 86:24, 87:5, 90:16, 90:19, 90:21, 90:24, 105:18, 105:22, 106:1, 114:17  <b>2017</b> [3] - 79:21, 86:25, 87:5  <b>2019</b> [12] - 3:17, 3:17, 27:6, 27:8, 27:23, 28:1, 30:25, 32:13, 80:5, 80:8, 98:10  <b>2021</b> [5] - 28:3, 28:10, 43:2, 78:9, 78:12  <b>2022</b> [3] - 1:12, 122:11, 123:19  <b>2031</b> [1] - 119:1  <b>206.01</b> [1] - 61:10  <b>21</b> [12] - 3:20, 23:13, 62:12, 65:1, 65:3, 84:18, 85:20, 85:22, 86:23, 88:21, 89:3, 100:7  <b>21550</b> [1] - 2:4  <b>21st</b> [1] - 46:2  <b>22</b> [11] - 3:22, 89:17, 90:10, 93:19, 94:25, 95:1, 100:8, 102:19, 103:11, 103:21, 116:5  <b>23</b> [2] - 28:10, 49:10  <b>23rd</b> [3] - 28:3, 43:1, 56:5  <b>24</b> [2] - 46:2, 107:20  <b>2442</b> [1] - 1:20  <b>246</b> [1] - 2:4  <b>25</b> [1] - 87:5  <b>25th</b> [1] - 86:25  <b>26</b> [1] - 64:15  <b>27</b> [1] - 3:16  <b>2nd</b> [2] - 50:13, 50:19</p>	<p><b>4/11</b> [1] - 41:2  <b>400</b> [1] - 100:16  <b>42</b> [1] - 3:19  <b>43</b> [1] - 3:19  <b>438.20</b> [1] - 57:7</p>
		<p><b>2</b></p>	<p><b>3</b></p>	<p><b>5</b></p>
<p><b>'12</b> [1] - 73:14  <b>'13</b> [1] - 73:14  <b>'16</b> [1] - 51:6</p>		<p><b>2</b> [8] - 3:11, 8:18, 8:20, 12:16, 18:21, 23:23, 24:3, 108:10  <b>2/21/19</b> [1] - 30:20  <b>20</b> [28] - 3:14, 18:12, 18:17, 18:19, 19:3, 19:10, 19:13, 19:14, 23:7, 23:8, 23:23, 24:15, 24:17, 28:5, 28:7, 28:16, 39:2, 39:11, 39:25, 40:5, 40:14, 40:20, 102:18, 103:10, 103:19, 103:20, 109:19, 116:5  <b>2002</b> [1] - 87:2  <b>2004</b> [3] - 96:9, 98:10, 106:10  <b>2006</b> [2] - 106:14, 106:20  <b>201</b> [1] - 118:13  <b>2011</b> [2] - 23:13, 110:7  <b>2012</b> [13] - 36:11, 39:12, 41:2, 45:18, 46:2, 46:3, 46:6, 47:18, 48:4, 48:5, 49:3, 69:18, 73:16  <b>2013</b> [3] - 72:13, 73:16, 107:17  <b>2014</b> [2] - 69:18, 73:17  <b>2015</b> [2] - 90:12, 91:19  <b>2016</b> [21] - 49:11, 50:13, 50:20, 51:15, 53:4, 56:9, 57:22, 62:12, 63:9, 65:3,</p>	<p><b>3</b> [8] - 1:12, 3:11, 9:5, 9:19, 12:9, 12:10, 12:14, 12:20  <b>3,604.81</b> [2] - 38:3, 38:23  <b>30,331.91</b> [1] - 40:11  <b>32</b> [1] - 3:18  <b>32207</b> [1] - 1:21  <b>396-1050</b> [1] - 1:21  <b>3:27</b> [2] - 1:13, 121:12  <b>3rd</b> [1] - 122:10</p>	<p><b>5</b> [3] - 3:9, 61:3, 61:12  <b>5/16/2012</b> [3] - 44:15, 47:16, 48:20  <b>522.63</b> [2] - 57:8, 57:9</p>
<p><b>0</b></p>			<p><b>4</b></p>	<p><b>6</b></p>
<p><b>00010</b> [1] - 61:4  <b>0136</b> [1] - 67:4  <b>0156</b> [1] - 43:5  <b>01624</b> [2] - 50:11, 50:16  <b>01626</b> [1] - 49:8  <b>01761</b> [1] - 78:15  <b>02508</b> [1] - 39:3</p>		<p><b>2</b> [8] - 3:11, 8:18, 8:20, 12:16, 18:21, 23:23, 24:3, 108:10  <b>2/21/19</b> [1] - 30:20  <b>20</b> [28] - 3:14, 18:12, 18:17, 18:19, 19:3, 19:10, 19:13, 19:14, 23:7, 23:8, 23:23, 24:15, 24:17, 28:5, 28:7, 28:16, 39:2, 39:11, 39:25, 40:5, 40:14, 40:20, 102:18, 103:10, 103:19, 103:20, 109:19, 116:5  <b>2002</b> [1] - 87:2  <b>2004</b> [3] - 96:9, 98:10, 106:10  <b>2006</b> [2] - 106:14, 106:20  <b>201</b> [1] - 118:13  <b>2011</b> [2] - 23:13, 110:7  <b>2012</b> [13] - 36:11, 39:12, 41:2, 45:18, 46:2, 46:3, 46:6, 47:18, 48:4, 48:5, 49:3, 69:18, 73:16  <b>2013</b> [3] - 72:13, 73:16, 107:17  <b>2014</b> [2] - 69:18, 73:17  <b>2015</b> [2] - 90:12, 91:19  <b>2016</b> [21] - 49:11, 50:13, 50:20, 51:15, 53:4, 56:9, 57:22, 62:12, 63:9, 65:3,</p>	<p><b>4</b> [3] - 3:3, 3:4, 90:14</p>	<p><b>6</b> [4] - 3:12, 13:7, 13:9, 47:9  <b>6/21</b> [1] - 110:7  <b>60,000</b> [1] - 41:12  <b>60,768.12</b> [1] - 42:10  <b>650</b> [1] - 61:9  <b>6th</b> [2] - 47:17, 48:1</p>
<p><b>1</b></p>		<p><b>2</b></p>	<p><b>4</b></p>	<p><b>7</b></p>
<p><b>1</b> [8] - 3:9, 5:5, 5:7, 5:19, 6:9, 23:21, 24:1, 39:12  <b>10</b> [2] - 61:5, 61:6  <b>101</b> [3] - 67:3, 67:7, 114:15  <b>102</b> [1] - 76:15</p>	<p><b>17</b> [9] - 3:14, 32:25, 33:3, 36:4, 36:8, 39:12, 39:22, 45:21, 46:1  <b>1742</b> [2] - 42:24, 43:7  <b>1746</b> [1] - 43:17  <b>176.00</b> [1] - 61:10  <b>1761</b> [1] - 43:8  <b>18</b> [26] - 3:14, 3:19,</p>	<p><b>2</b></p>	<p><b>4</b></p>	<p><b>7</b> [9] - 24:7, 24:13, 28:15, 39:2, 39:10, 39:25, 40:14, 40:20, 90:18  <b>750</b> [1] - 41:8  <b>77</b> [1] - 3:20</p>
				<p><b>8</b></p>
				<p><b>8</b> [1] - 3:11  <b>815</b> [1] - 78:16  <b>84</b> [1] - 3:20  <b>86</b> [2] - 56:4, 56:12  <b>87</b> [3] - 57:20, 58:2, 109:11  <b>88</b> [1] - 52:16  <b>89</b> [4] - 3:22, 50:10, 50:15, 53:1  <b>8LV</b> [2] - 78:10, 78:17</p>
				<p><b>9</b></p>
				<p><b>9</b> [7] - 3:11, 3:12, 15:8, 15:10, 15:16, 15:22, 57:22  <b>9/17</b> [3] - 51:5, 51:21, 53:4  <b>9/17/16</b> [1] - 51:10  <b>9/2</b> [1] - 51:14  <b>9/21</b> [1] - 111:18  <b>90</b> [9] - 56:15, 58:25, 61:14, 62:1, 62:10,</p>

64:14, 65:1, 111:16, 111:17 <b>904</b> [1] - 1:21 <b>91</b> [4] - 49:6, 56:6, 56:12, 64:14 <b>928.82</b> [1] - 61:10	19:25, 26:9, 83:12, 85:5, 85:6, 94:11, 112:11, 114:1, 119:17, 119:21 <b>accounts</b> [4] - 63:4, 82:17, 82:21, 86:12 <b>accurate</b> [3] - 75:7, 113:22, 117:8 <b>accurately</b> [4] - 102:25, 116:10, 116:15, 117:15 <b>acquired</b> [1] - 36:6 <b>act</b> [1] - 75:2 <b>action</b> [4] - 64:17, 101:10, 123:17, 123:18 <b>activate</b> [1] - 48:1 <b>activation</b> [2] - 47:9, 47:17 <b>active</b> [5] - 81:25, 82:7, 82:8, 82:13, 82:15 <b>activities</b> [1] - 44:12 <b>activity</b> [2] - 34:1, 44:5 <b>actual</b> [5] - 46:22, 79:19, 81:6, 88:23, 114:6 <b>add</b> [2] - 55:19, 83:19 <b>added</b> [2] - 33:18, 40:7 <b>addition</b> [1] - 72:19 <b>additional</b> [3] - 25:2, 25:8, 98:12 <b>addressed</b> [3] - 113:6, 114:3, 115:5 <b>adequate</b> [5] - 70:14, 70:19, 72:21, 110:16, 113:11 <b>Adequate</b> [2] - 72:16, 74:17 <b>adjust</b> [2] - 74:10, 114:23 <b>adjusted</b> [4] - 67:14, 68:13, 113:7, 114:22 <b>adjustment</b> [8] - 37:4, 37:9, 37:13, 54:13, 56:22, 57:11, 66:1, 111:21 <b>adjustments</b> [25] - 26:9, 26:11, 36:20, 37:19, 39:21, 42:1, 54:8, 55:13, 56:14, 57:3, 57:8, 57:14, 59:8, 60:16, 61:1, 61:7, 61:18, 68:9, 68:16, 74:12, 75:8, 112:12, 112:19, 115:9 <b>administrative</b> [8] -	91:14, 92:11, 92:18, 93:15, 93:20, 94:19, 94:21, 95:20 <b>Adversary</b> [1] - 1:5 <b>adversary</b> [1] - 80:8 <b>advised</b> [1] - 71:19 <b>advisement</b> [2] - 25:10, 86:16 <b>affects</b> [1] - 98:25 <b>aforementioned</b> [1] - 122:7 <b>agent</b> [1] - 83:1 <b>agents</b> [1] - 66:22 <b>agree</b> [1] - 109:2 <b>agreed</b> [1] - 4:2 <b>ahead</b> [8] - 5:4, 8:24, 15:7, 36:8, 70:25, 86:22, 99:9, 108:25 <b>al</b> [1] - 1:8 <b>alias</b> [2] - 52:13, 53:13 <b>allegations</b> [1] - 12:15 <b>allocation</b> [1] - 118:25 <b>allow</b> [2] - 95:14, 108:7 <b>allowed</b> [1] - 95:8 <b>Altman</b> [8] - 3:21, 70:6, 70:7, 71:3, 71:12, 75:23, 84:24, 112:17 <b>ambiguous</b> [1] - 8:14 <b>Amended</b> [6] - 3:9, 3:11, 5:10, 8:23, 8:25, 12:18 <b>amendments</b> [1] - 12:19 <b>amount</b> [20] - 19:12, 37:14, 38:4, 38:23, 39:13, 39:17, 40:7, 40:8, 40:15, 51:23, 52:2, 55:20, 71:15, 107:2, 109:15, 110:8, 115:3, 116:2, 116:24 <b>amounts</b> [32] - 20:2, 24:8, 24:10, 36:22, 37:12, 39:10, 40:5, 40:12, 40:25, 41:9, 51:17, 51:24, 54:15, 55:18, 56:21, 59:5, 59:10, 59:15, 61:11, 61:13, 61:22, 68:25, 72:8, 75:19, 76:3, 79:24, 80:3, 117:8, 117:11, 117:15, 117:17 <b>analyses</b> [1] - 112:15 <b>analysis</b> [3] - 14:7, 89:22, 104:6	<b>analyst</b> [2] - 91:24, 108:2 <b>Analyst</b> [2] - 92:22, 106:21 <b>analyze</b> [1] - 55:23 <b>ancillary</b> [1] - 81:19 <b>Answer</b> [4] - 3:11, 9:10, 12:14, 12:17 <b>answer</b> [49] - 6:1, 6:16, 6:20, 7:24, 8:1, 8:10, 8:24, 11:5, 11:25, 12:23, 13:2, 14:19, 15:5, 16:14, 17:3, 21:8, 22:9, 23:6, 23:18, 23:25, 28:12, 30:5, 34:13, 47:5, 47:11, 55:12, 60:24, 79:8, 80:16, 84:1, 86:9, 87:7, 87:19, 91:6, 93:10, 95:14, 96:13, 97:15, 99:3, 105:6, 108:7, 116:19, 117:10, 119:4, 119:19, 120:5, 120:6, 120:15, 120:20 <b>answered</b> [1] - 43:16 <b>anticipated</b> [3] - 47:9, 47:17, 47:25 <b>apart</b> [1] - 74:21 <b>apologize</b> [3] - 101:15, 103:6, 104:1 <b>appear</b> [3] - 93:8, 115:10, 116:22 <b>appeared</b> [1] - 122:7 <b>appearing</b> [2] - 2:5, 2:10 <b>application</b> [2] - 69:1, 114:4 <b>applications</b> [1] - 85:7 <b>applied</b> [18] - 20:12, 41:3, 41:16, 41:20, 50:6, 54:7, 55:8, 57:14, 61:19, 102:24, 113:19, 114:8, 114:10, 114:11, 115:11, 116:10, 116:14, 117:14 <b>apply</b> [2] - 56:19, 113:18 <b>appropriate</b> [1] - 16:21 <b>approval</b> [5] - 60:11, 76:22, 91:13, 92:16, 93:22 <b>approved</b> [2] - 60:14, 80:3 <b>April</b> [7] - 36:11, 39:12, 46:2, 49:3, 86:25, 87:5	<b>areas</b> [1] - 6:9 <b>arm</b> [4] - 10:8, 11:16, 11:17, 11:19 <b>assembled</b> [1] - 56:25 <b>assertion</b> [1] - 13:24 <b>assess</b> [1] - 59:13 <b>assessed</b> [4] - 26:7, 33:22, 40:22, 59:14 <b>assigned</b> [1] - 45:2 <b>associate</b> [1] - 45:9 <b>Association</b> [1] - 1:8 <b>assume</b> [1] - 106:13 <b>assumption</b> [1] - 38:8 <b>ATLANTIC</b> [1] - 1:20 <b>attached</b> [1] - 3:8 <b>attachment</b> [1] - 121:5 <b>attorney</b> [11] - 49:16, 63:20, 66:12, 71:11, 71:13, 75:6, 75:18, 102:15, 110:15, 113:3, 123:14 <b>attorney/client</b> [3] - 13:24, 86:14, 120:16 <b>attorneys</b> [3] - 119:14, 120:3, 123:16 <b>audit</b> [2] - 104:7, 104:13 <b>August</b> [5] - 69:18, 80:5, 85:5, 86:24, 87:4 <b>Aurora</b> [36] - 3:14, 18:3, 18:21, 19:1, 19:21, 21:1, 21:20, 22:5, 22:11, 24:20, 24:25, 25:7, 25:13, 36:6, 36:21, 38:8, 38:9, 38:20, 40:2, 40:9, 40:22, 41:1, 41:16, 41:21, 46:17, 46:21, 48:7, 48:10, 68:10, 68:18, 69:6, 74:4, 110:3, 115:2, 115:10 <b>Aurora's</b> [6] - 3:14, 17:23, 18:22, 23:8, 37:15, 45:23 <b>author</b> [1] - 67:12 <b>authority</b> [1] - 122:6 <b>authorized</b> [1] - 123:9 <b>automated</b> [2] - 46:14, 88:20 <b>automatic</b> [1] - 71:1 <b>available</b> [7] - 79:21, 79:22, 81:14, 82:4, 83:16, 84:6, 97:12 <b>aware</b> [10] - 13:25,
---	--	---	--	--



14:25, 92:6, 97:10, 99:6, 100:20, 105:19, 119:14, 120:15, 120:21	<b>basic</b> [2] - 44:23, 49:14 <b>basis</b> [1] - 36:2 <b>batch</b> [2] - 56:22, 56:24 <b>Bates</b> [28] - 13:16, 14:14, 14:22, 39:3, 42:19, 42:23, 43:5, 43:6, 43:8, 43:9, 49:7, 50:11, 50:16, 54:11, 56:4, 56:16, 57:20, 58:14, 58:25, 61:2, 61:4, 61:5, 64:14, 67:4, 78:15, 87:2, 118:13, 119:1 <b>Bates-stamped</b> [2] - 13:16, 14:14 <b>began</b> [3] - 68:10, 97:1, 106:9 <b>begin</b> [1] - 96:8 <b>beginning</b> [2] - 39:15, 105:1 <b>begins</b> [3] - 57:22, 100:10, 103:11 <b>behalf</b> [4] - 2:5, 2:10, 26:23, 106:21 <b>below</b> [2] - 51:24, 53:9 <b>benchmarks</b> [1] - 92:9 <b>best</b> [5] - 7:3, 87:19, 95:14, 99:3, 120:6 <b>better</b> [2] - 118:11, 118:25 <b>between</b> [22] - 3:20, 4:2, 10:3, 33:8, 39:9, 46:2, 47:6, 47:7, 47:19, 49:15, 61:25, 64:12, 71:11, 76:7, 84:23, 87:4, 87:23, 98:10, 101:18, 113:2, 119:13, 120:7 <b>beyond</b> [4] - 16:22, 93:14, 95:13, 95:18 <b>big</b> [1] - 72:25 <b>billing</b> [1] - 44:8 <b>bit</b> [5] - 8:14, 21:9, 22:22, 33:22, 98:1 <b>BK</b> [11] - 65:22, 65:23, 66:25, 98:5, 98:20, 98:22, 98:24, 99:2, 100:10, 100:18, 111:20 <b>BK-13</b> [1] - 98:7 <b>Black</b> [2] - 30:23, 77:23 <b>black</b> [1] - 27:14 <b>Blank</b> [1] - 2:8 <b>block</b> [3] - 76:16, 103:25, 104:1	<b>Board</b> [3] - 35:15, 45:11, 46:7 <b>Boarded</b> [16] - 22:17, 35:10, 35:13, 37:7, 38:3, 44:1, 44:15, 46:24, 47:15, 47:25, 48:16, 69:17, 69:22, 74:6, 80:22, 115:21 <b>Boarding</b> [14] - 27:5, 35:12, 36:5, 36:11, 39:15, 41:21, 45:18, 46:1, 46:4, 46:23, 47:8, 48:17, 49:2, 80:21 <b>borrow</b> [2] - 20:17, 20:25 <b>borrower</b> [5] - 20:18, 20:25, 70:8, 110:25, 111:2 <b>borrowers</b> [2] - 95:8, 98:14 <b>bottom</b> [6] - 51:3, 51:5, 52:24, 53:12, 53:15, 53:20 <b>BOULEVARD</b> [1] - 1:20 <b>Box</b> [1] - 2:4 <b>brain</b> [1] - 101:16 <b>break</b> [4] - 34:25, 37:14, 55:5, 109:3 <b>breakdown</b> [3] - 38:5, 39:17, 42:6 <b>breaking</b> [2] - 44:20, 74:12 <b>Brenda</b> [2] - 1:4, 1:5 <b>bridge</b> [1] - 74:24 <b>brief</b> [2] - 4:25, 56:11 <b>Brief</b> [3] - 35:3, 77:7, 109:5 <b>bring</b> [4] - 70:9, 70:23, 76:3, 110:17 <b>brings</b> [1] - 63:14 <b>broke</b> [14] - 12:11, 22:22, 22:24, 35:11, 37:20, 40:18, 42:8, 44:22, 48:15, 57:6, 61:17, 69:5, 104:22, 115:25 <b>brought</b> [1] - 114:12 <b>BU</b> [2] - 100:10, 100:18 <b>buffer</b> [1] - 46:8 <b>bulk</b> [1] - 58:19 <b>business</b> [65] - 3:15, 6:4, 6:25, 12:1, 13:16, 14:11, 14:13, 14:16, 14:17, 14:20, 14:21, 14:22, 14:25, 16:23, 17:4, 17:9, 18:22, 18:25, 21:15, 21:23,	22:6, 22:10, 22:16, 22:19, 23:12, 23:15, 24:19, 27:10, 32:7, 41:24, 41:25, 49:16, 59:9, 62:20, 63:17, 64:4, 65:11, 65:12, 65:19, 76:10, 80:18, 80:22, 80:23, 81:7, 81:8, 82:14, 84:9, 93:5, 93:13, 93:15, 94:21, 95:6, 101:8, 105:8, 105:15, 110:22, 111:12, 115:8, 116:12, 117:6, 119:20, 119:21, 119:25, 120:7, 120:8 <b>business-records-system</b> [1] - 14:16 <b>Busman</b> [1] - 32:4 <b>BY</b> [60] - 4:12, 5:1, 6:7, 7:5, 7:14, 8:17, 11:13, 12:5, 12:13, 13:5, 14:24, 15:6, 16:1, 17:2, 21:13, 23:5, 23:20, 24:16, 25:17, 28:14, 30:13, 35:5, 38:24, 39:8, 41:17, 45:16, 47:13, 49:4, 50:17, 53:22, 56:1, 57:12, 62:9, 67:10, 67:22, 77:9, 78:22, 84:17, 85:8, 86:21, 88:7, 91:3, 91:16, 96:7, 96:15, 96:23, 97:17, 99:5, 100:6, 105:16, 107:23, 108:9, 109:7, 111:9, 114:14, 116:18, 118:1, 119:3, 119:24, 121:2	<b>cashier</b> [1] - 53:10 <b>cashiering</b> [7] - 24:2, 50:23, 51:22, 58:9, 58:10, 58:12, 62:6 <b>categories</b> [9] - 5:22, 5:24, 6:2, 13:18, 16:21, 34:21, 115:15, 115:22, 116:2 <b>categorized</b> [1] - 94:20 <b>category</b> [1] - 17:14 <b>causing</b> [1] - 115:19 <b>certain</b> [4] - 5:22, 32:7, 98:24, 100:4 <b>certainly</b> [1] - 25:5 <b>CERTIFICATE</b> [1] - 122:1 <b>Certified</b> [1] - 123:6 <b>certify</b> [3] - 122:7, 123:8, 123:13 <b>chance</b> [1] - 25:19 <b>change</b> [5] - 16:14, 42:10, 53:19, 97:24, 99:12 <b>changed</b> [3] - 99:19, 100:2, 101:1 <b>changes</b> [8] - 56:7, 97:10, 97:18, 97:24, 98:9, 99:6, 99:17 <b>chapter</b> [2] - 98:5, 98:21 <b>Chapter</b> [8] - 1:5, 94:24, 95:9, 97:13, 97:21, 97:25, 98:6, 105:3 <b>charge</b> [6] - 34:20, 37:9, 40:19, 40:22, 41:7, 85:15 <b>charges</b> [6] - 33:21, 37:6, 37:8, 37:21, 40:16, 40:21 <b>chart</b> [4] - 40:14, 118:14, 118:25, 119:2 <b>check</b> [14] - 3:14, 18:21, 23:10, 58:4, 71:18, 91:9, 101:23, 101:24, 106:4, 106:8, 109:22, 110:2, 110:20, 110:24 <b>checked</b> [1] - 110:19 <b>checks</b> [2] - 88:24, 89:10 <b>Claim</b> [17] - 19:23, 24:12, 36:23, 37:16, 37:22, 38:18, 38:21, 39:19, 41:6, 50:5, 51:18, 55:21, 59:6, 68:24, 72:9, 99:19, 103:16 <b>clarification</b> [1] -
<b>B</b>	<b>balance</b> [25] - 20:1, 26:12, 36:17, 36:21, 37:5, 37:17, 37:23, 38:6, 38:21, 39:24, 40:16, 41:11, 42:11, 68:21, 69:5, 69:23, 70:3, 70:17, 74:13, 115:4, 115:14, 115:17, 115:19, 116:24, 117:3 <b>balances</b> [14] - 18:2, 20:9, 20:14, 24:13, 38:15, 39:20, 40:1, 40:13, 41:14, 42:12, 68:11, 69:7, 79:8, 80:2 <b>Bank</b> [3] - 1:7, 3:11, 9:11 <b>bankruptcy</b> [49] - 17:25, 19:6, 37:24, 38:10, 39:18, 40:24, 41:7, 49:14, 50:2, 51:1, 53:24, 56:9, 62:24, 63:2, 63:7, 63:10, 63:17, 64:6, 65:11, 65:20, 66:5, 66:9, 66:11, 66:21, 67:1, 70:6, 71:11, 71:12, 72:3, 75:12, 76:1, 76:4, 79:5, 79:6, 98:4, 98:14, 98:18, 98:20, 99:24, 101:13, 102:24, 106:11, 106:18, 106:19, 110:4, 112:2, 112:10, 117:17 <b>BANKRUPTCY</b> [1] - 1:1 <b>Bankruptcy</b> [11] - 19:22, 51:12, 59:12, 94:24, 95:9, 97:13, 100:3, 105:3, 117:20, 118:13, 121:6 <b>based</b> [30] - 8:14, 16:18, 20:12, 29:18, 37:19, 38:6, 39:17, 39:23, 41:24, 47:22, 55:19, 57:18, 59:5, 68:9, 68:14, 70:2, 73:4, 79:13, 81:15, 87:21, 93:25, 95:21, 98:5, 99:1, 99:11, 104:13, 110:14, 113:2, 113:9, 113:21		<b>C</b>	<b>CA</b> [1] - 37:10 <b>calculating</b> [1] - 20:14 <b>calculation</b> [1] - 79:20 <b>calculations</b> [3] - 39:14, 41:23, 83:20 <b>capable</b> [1] - 6:21 <b>capacity</b> [2] - 103:3, 103:13 <b>capitalized</b> [1] - 79:24 <b>caption</b> [1] - 9:19 <b>Case</b> [1] - 1:4 <b>case</b> [7] - 50:8, 55:2, 68:8, 98:18, 108:14, 108:16, 114:21

<p>8:13  <b>clarify</b> [2] - 21:11,  119:23  <b>clear</b> [3] - 25:11,  41:6, 41:14  <b>client</b> [2] - 82:17,  82:21  <b>client's</b> [1] - 81:22  <b>clipart</b> [2] - 89:12,  89:14  <b>close</b> [4] - 65:10,  65:13, 73:18, 77:4  <b>closed</b> [1] - 81:3  <b>closer</b> [1] - 73:24  <b>closing</b> [8] - 62:16,  62:23, 64:6, 64:10,  65:15, 65:18, 66:10,  111:19  <b>COAST</b> [1] - 1:20  <b>code</b> [9] - 36:25,  37:10, 52:13, 53:13,  62:3, 62:13, 65:3,  78:1, 78:4  <b>coincides</b> [1] - 67:24  <b>column</b> [2] - 37:7,  51:4  <b>columns</b> [1] - 33:20  <b>comment</b> [56] - 42:5,  43:16, 43:18, 43:19,  43:24, 44:6, 44:13,  44:15, 49:13, 49:14,  51:19, 51:20, 52:11,  52:12, 52:22, 52:23,  52:24, 53:6, 53:7,  53:11, 53:14, 53:16,  53:17, 58:17, 59:23,  62:15, 62:23, 65:8,  65:9, 65:22, 67:11,  67:24, 68:2, 77:18,  77:20, 78:7, 78:8,  78:10, 78:13, 78:24,  78:25, 83:7, 83:11,  84:8, 87:25, 88:1,  88:5, 88:9, 88:18,  88:19, 89:1, 94:12,  94:17, 104:12,  120:12, 120:13  <b>Comment</b> [1] - 3:19  <b>comments</b> [24] -  29:23, 42:3, 42:14,  42:20, 42:25, 46:5,  47:24, 49:7, 49:10,  52:21, 53:2, 53:15,  54:11, 55:7, 67:25,  68:1, 77:14, 77:16,  79:7, 80:1, 81:15,  88:25, 119:8  <b>Comments</b> [1] - 3:20  <b>comments'</b> [1] -  60:22</p>	<p><b>commercial</b> [32] -  62:20, 62:22, 63:1,  63:5, 63:12, 63:14,  63:25, 64:2, 64:11,  64:17, 64:23, 65:19,  66:3, 66:13, 66:16,  66:22, 67:2, 70:21,  71:17, 75:3, 76:10,  76:19, 84:24, 112:7,  112:8, 112:11,  112:13, 117:20,  118:3, 119:7, 120:8,  121:4  <b>communicate</b> [2] -  101:8, 101:18  <b>communication</b> [8] -  14:4, 85:4, 87:25,  88:4, 88:17, 99:11,  113:10, 120:13  <b>communications</b> [7]  - 42:4, 49:14, 80:15,  88:9, 119:13, 120:2,  120:17  <b>company</b> [5] - 11:9,  92:16, 106:7, 106:22,  119:25  <b>company's</b> [1] -  120:3  <b>Compilation</b> [1] -  3:20  <b>compilation</b> [1] -  84:23  <b>compiled</b> [1] - 87:9  <b>complaint</b> [4] - 8:12,  12:15, 12:21, 14:10  <b>Complaint</b> [3] - 3:11,  9:1, 12:18  <b>complete</b> [3] - 28:8,  28:17, 119:4  <b>completed</b> [8] - 51:2,  51:7, 51:10, 53:3,  54:5, 66:4, 112:9  <b>completely</b> [1] -  12:21  <b>completing</b> [1] - 66:8  <b>complicated</b> [2] -  68:8, 114:21  <b>comprise</b> [1] - 57:10  <b>comprised</b> [2] - 64:1,  68:21  <b>concern</b> [1] - 89:23  <b>concise</b> [1] - 86:18  <b>conclusion</b> [1] -  11:24  <b>condensed</b> [1] - 34:5  <b>conducted</b> [3] -  19:21, 19:22, 59:5  <b>confines</b> [1] - 95:25  <b>confirm</b> [1] - 28:19  <b>confused</b> [1] - 68:5</p>	<p><b>confusing</b> [2] - 12:8,  21:9  <b>confusion</b> [2] - 68:4,  115:20  <b>connected</b> [1] -  123:16  <b>Consent</b> [5] - 70:1,  72:15, 72:18, 73:17,  74:17  <b>consideration</b> [1] -  86:20  <b>considering</b> [1] -  107:2  <b>constitute</b> [4] - 36:4,  36:11, 85:20, 85:23  <b>contact</b> [1] - 65:24  <b>contain</b> [8] - 17:25,  18:25, 24:19, 26:1,  28:8, 33:20, 43:24,  44:2  <b>contained</b> [52] -  5:18, 7:2, 21:5, 23:14,  24:4, 26:19, 30:6,  30:8, 31:6, 31:15,  31:25, 33:15, 33:25,  34:10, 34:17, 34:19,  41:25, 42:1, 42:2,  45:7, 52:8, 53:10,  54:11, 80:10, 80:19,  81:17, 83:11, 83:18,  84:3, 84:5, 85:9,  85:17, 85:20, 85:24,  87:1, 88:1, 90:15,  93:18, 94:3, 94:11,  94:16, 95:22, 96:3,  99:20, 99:23, 102:13,  103:4, 118:14,  119:16, 120:1,  120:13, 120:18  <b>containing</b> [1] - 4:21  <b>contains</b> [5] - 17:25,  18:1, 26:4, 42:20,  88:21  <b>contested</b> [1] - 93:2  <b>context</b> [2] - 68:2,  88:2  <b>continue</b> [3] - 66:12,  72:22, 108:22  <b>control</b> [3] - 62:21,  102:23, 116:8  <b>convergence</b> [4] -  90:6, 90:20, 91:17,  92:19  <b>convergent</b> [1] -  92:7  <b>conversation</b> [1] -  7:25  <b>converted</b> [1] -  107:18  <b>coordinator</b> [1] -</p>	<p>101:22  <b>copy</b> [13] - 3:14,  5:10, 8:23, 8:25,  17:21, 17:23, 18:20,  18:22, 19:5, 22:2,  58:6, 118:12, 118:25  <b>Corp</b> [2] - 11:6, 11:8  <b>corporate</b> [2] - 93:1,  108:1  <b>Corporation</b> [13] -  7:10, 7:13, 9:21, 10:2,  10:4, 10:5, 10:7,  10:13, 10:19, 10:20,  11:2, 12:4, 15:17  <b>corporation</b> [1] -  10:15  <b>correct</b> [5] - 11:16,  21:24, 37:11, 112:3,  112:4  <b>corrected</b> [1] - 113:8  <b>corrections</b> [1] -  26:10  <b>correctly</b> [6] - 67:15,  68:14, 74:14, 114:22,  114:24, 115:18  <b>correlate</b> [1] - 40:4  <b>correspond</b> [4] -  39:1, 61:13, 62:2,  99:1  <b>correspondence</b> [4]  - 24:1, 32:10, 39:9,  76:7  <b>corresponding</b> [1] -  42:4  <b>costs</b> [5] - 26:7,  33:21, 34:19, 59:17,  60:18  <b>counsel</b> [28] - 4:3,  6:25, 8:1, 12:25, 13:4,  14:4, 14:9, 14:19,  16:13, 16:20, 17:1,  17:7, 64:20, 80:15,  86:3, 91:10, 91:23,  93:6, 95:12, 95:16,  96:1, 96:19, 101:9,  101:19, 120:8,  123:14, 123:16  <b>counting</b> [1] - 103:25  <b>COUNTY</b> [2] - 122:4,  123:4  <b>couple</b> [1] - 22:24  <b>course</b> [4] - 63:18,  93:7, 95:5, 97:19  <b>COURT</b> [2] - 1:1,  1:20  <b>court</b> [1] - 106:16  <b>Court</b> [14] - 1:17, 4:9,  51:12, 59:12, 64:20,  71:1, 91:5, 100:3,  117:21, 118:13,</p>	<p>121:6, 122:15, 123:6,  123:22  <b>covered</b> [4] - 42:24,  73:11, 116:2, 117:13  <b>covers</b> [1] - 13:13  <b>Cox</b> [2] - 105:25,  106:2  <b>create</b> [4] - 19:24,  22:7, 29:16, 66:8  <b>created</b> [7] - 30:2,  30:16, 32:15, 33:18,  37:16, 68:20, 69:6  <b>creating</b> [3] - 69:3,  70:16, 70:17  <b>credit</b> [3] - 47:2,  61:10, 111:7  <b>credited</b> [1] - 71:20  <b>creditor</b> [1] - 49:25  <b>credits</b> [4] - 26:8,  61:8, 61:19, 61:21  <b>Cross</b> [1] - 3:4  <b>cross</b> [2] - 108:24,  109:1  <b>CROSS</b> [1] - 109:6  <b>CROWLEY</b> [75] - 2:7,  4:22, 5:20, 6:11, 6:17,  7:11, 7:23, 11:3,  11:23, 12:11, 12:22,  14:3, 15:2, 15:24,  16:11, 21:7, 21:25,  22:8, 22:22, 23:17,  23:24, 25:2, 25:15,  28:11, 30:4, 34:12,  35:2, 38:19, 39:4,  40:18, 44:20, 44:22,  47:10, 48:15, 50:14,  53:18, 55:11, 56:10,  57:6, 60:23, 62:4,  67:7, 67:16, 78:14,  78:18, 78:21, 80:13,  82:5, 82:22, 83:25,  84:21, 86:1, 86:15,  87:6, 95:10, 96:12,  97:14, 98:15, 99:8,  105:5, 107:21, 108:4,  109:1, 109:7, 111:9,  114:14, 116:18,  117:22, 118:18,  119:18, 120:4,  120:19, 120:23,  121:2, 121:9  <b>Crowley</b> [3] - 3:4,  3:5, 67:5  <b>cure</b> [2] - 117:18,  117:19  <b>Cure</b> [24] - 49:18,  49:20, 49:21, 49:25,  50:19, 51:14, 54:3,  54:4, 54:22, 55:1,  55:10, 55:25, 57:16,</p>
---	---	--	---	---

57:17, 62:17, 63:23, 64:3, 64:8, 64:18, 65:17, 72:6, 118:16, 119:12, 121:7 <b>current</b> [12] - 12:14, 20:8, 70:9, 70:19, 70:24, 73:7, 74:6, 76:4, 106:13, 110:18, 113:13, 114:12 <b>customer</b> [12] - 20:10, 32:5, 44:10, 46:14, 47:1, 70:13, 70:15, 70:23, 77:25, 92:13, 94:15, 114:9 <b>customer's</b> [5] - 57:2, 79:17, 93:12, 93:14, 94:10 <b>customer-account</b> [1] - 77:25 <b>customers</b> [2] - 97:12, 97:21 <b>cut</b> [5] - 7:12, 31:3, 88:11, 88:18, 89:7	<b>Dated</b> [1] - 123:19 <b>dates</b> [4] - 27:2, 47:20, 62:2, 101:21 <b>days</b> [1] - 102:3 <b>deal</b> [1] - 93:11 <b>debits</b> [1] - 26:8 <b>Debtor</b> [1] - 1:4 <b>December</b> [6] - 3:17, 27:23, 28:1, 72:13, 73:9, 114:17 <b>decommissioned</b> [3] - 79:15, 80:4, 80:18 <b>default</b> [1] - 73:14 <b>defaults</b> [1] - 73:15 <b>Defendant</b> [1] - 2:10 <b>defendant</b> [1] - 7:19 <b>defendant's</b> [2] - 16:4, 79:1 <b>defendants</b> [1] - 5:17 <b>Defendants</b> [1] - 1:8 <b>defer</b> [1] - 14:19 <b>deferred</b> [14] - 19:25, 20:1, 36:16, 36:21, 42:10, 68:21, 69:5, 69:23, 70:3, 74:13, 115:14, 115:16, 115:17, 115:18 <b>deficiencies</b> [1] - 95:7 <b>definitely</b> [1] - 107:9 <b>delinquency</b> [1] - 120:10 <b>department</b> [48] - 24:3, 32:4, 51:22, 52:14, 58:4, 60:6, 62:24, 63:3, 63:5, 63:12, 63:14, 63:18, 64:2, 64:11, 64:17, 64:24, 66:3, 66:5, 66:10, 66:11, 66:13, 66:16, 66:21, 66:22, 67:1, 70:21, 71:17, 75:3, 76:8, 76:19, 84:25, 85:15, 85:16, 92:25, 93:3, 101:13, 105:9, 105:11, 106:12, 106:19, 112:7, 112:8, 112:10, 112:13, 112:21, 117:20, 119:7, 121:4 <b>Department</b> [1] - 111:21 <b>department's</b> [1] - 118:3 <b>departments</b> [1] - 32:8 <b>Deposition</b> [2] - 3:10, 5:11 <b>deposition</b> [7] - 4:5, 6:24, 14:13, 86:17,	108:6, 108:23, 123:10 <b>DEPOSITION</b> [1] - 1:11 <b>depositions</b> [2] - 93:9, 107:5 <b>describe</b> [7] - 6:9, 49:8, 53:23, 59:2, 62:14, 80:6, 97:18 <b>described</b> [11] - 31:17, 39:2, 43:22, 43:25, 45:25, 47:5, 55:8, 78:25, 90:10, 94:24, 100:21 <b>describes</b> [1] - 41:19 <b>describing</b> [3] - 47:20, 64:24, 65:21 <b>designated</b> [5] - 5:16, 6:10, 6:12, 7:6, 35:14 <b>designation</b> [3] - 21:1, 56:24, 66:25 <b>desktop</b> [1] - 89:5 <b>despite</b> [1] - 110:20 <b>destroy</b> [1] - 82:8 <b>Detailed</b> [6] - 29:22, 33:6, 33:11, 34:4, 34:9, 34:17 <b>detailed</b> [3] - 33:9, 33:23, 34:15 <b>details</b> [1] - 87:9 <b>determine</b> [1] - 54:15 <b>difference</b> [2] - 33:8, 47:19 <b>different</b> [12] - 10:12, 23:22, 43:7, 44:12, 47:3, 63:15, 67:20, 77:15, 87:13, 98:13, 99:13, 99:14 <b>difficulty</b> [1] - 4:23 <b>digital</b> [1] - 89:2 <b>DIRECT</b> [1] - 4:11 <b>Direct</b> [1] - 3:4 <b>directly</b> [3] - 31:11, 31:12, 32:9 <b>disburse</b> [1] - 113:17 <b>disbursed</b> [3] - 38:7, 50:1, 115:13 <b>disbursement</b> [1] - 49:24 <b>disbursements</b> [3] - 26:5, 33:14, 34:7 <b>discharge</b> [10] - 54:20, 71:24, 73:25, 76:5, 114:6, 114:13, 117:12, 117:13, 117:14, 117:16 <b>discharged</b> [4] - 51:12, 72:3, 76:1, 113:20 <b>disclose</b> [2] - 14:3,	95:11 <b>disclosure</b> [1] - 80:15 <b>discovery</b> [2] - 13:13, 95:22 <b>Discovery</b> [1] - 3:12 <b>discrepancy</b> [1] - 47:5 <b>discussing</b> [2] - 40:21, 111:23 <b>discussion</b> [3] - 75:9, 95:12, 117:1 <b>discussions</b> [4] - 17:1, 73:24, 86:3, 95:15 <b>dispute</b> [3] - 89:25, 92:13, 94:13 <b>disputed</b> [2] - 71:15, 89:21 <b>Disputed</b> [1] - 3:22 <b>disputing</b> [1] - 94:15 <b>distinction</b> [1] - 63:15 <b>DISTRICT</b> [1] - 1:1 <b>division</b> [1] - 11:22 <b>divorce</b> [1] - 107:15 <b>docs</b> [1] - 3:12 <b>Document</b> [1] - 3:19 <b>document</b> [26] - 5:5, 5:14, 9:7, 16:2, 17:9, 18:18, 21:15, 22:2, 23:16, 25:20, 28:19, 59:20, 77:12, 79:1, 82:24, 84:20, 89:19, 92:1, 95:2, 95:18, 95:20, 95:25, 102:16, 103:2, 108:5, 108:13 <b>documentation</b> [1] - 92:14 <b>documents</b> [22] - 13:23, 13:25, 14:7, 14:12, 16:8, 16:10, 18:20, 19:1, 25:3, 25:5, 25:8, 86:6, 91:1, 91:8, 91:12, 91:15, 108:21, 118:2, 118:7, 119:5, 119:14, 120:16 <b>Documents</b> [6] - 3:13, 13:15, 13:21, 15:14, 15:20, 16:5 <b>dollars</b> [1] - 41:8 <b>done</b> [6] - 31:9, 54:13, 66:15, 68:16, 79:12, 114:5 <b>double</b> [1] - 110:19 <b>double-checked</b> [1] - 110:19 <b>down</b> [19] - 20:6, 36:15, 37:10, 37:14, 37:20, 42:8, 57:22,	69:5, 74:12, 83:22, 91:7, 103:10, 103:19, 103:21, 103:25, 107:25, 108:11, 116:23, 118:23 <b>drive</b> [2] - 85:18, 85:25 <b>drives</b> [1] - 85:13 <b>Dropbox</b> [2] - 4:21, 4:23 <b>due</b> [16] - 20:13, 36:22, 37:18, 40:9, 40:10, 46:19, 59:15, 68:11, 69:10, 69:21, 72:6, 73:2, 73:12, 75:2, 86:13, 117:16 <b>duly</b> [3] - 4:8, 122:8, 123:7 <b>during</b> [12] - 23:12, 31:4, 48:12, 61:22, 71:2, 71:10, 79:25, 97:19, 99:6, 101:7, 106:18, 110:3 <b>duty</b> [1] - 94:9 <b>DUVAL</b> [2] - 122:4, 123:4
<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>E</b>
<b>dashboard</b> [7] - 100:20, 100:22, 100:23, 100:24, 101:3, 101:20, 102:7 <b>data</b> [14] - 22:1, 26:18, 30:2, 30:8, 30:10, 31:15, 31:20, 31:24, 35:25, 81:17, 84:4, 85:11, 92:10, 95:7 <b>database</b> [13] - 29:4, 29:7, 29:14, 29:16, 29:24, 31:19, 79:19, 80:11, 80:17, 81:21, 81:22, 88:14, 96:20 <b>databases</b> [1] - 81:20 <b>date</b> [35] - 18:8, 20:13, 26:21, 26:23, 28:9, 30:15, 30:18, 30:21, 35:16, 45:12, 46:20, 46:21, 46:22, 46:23, 47:4, 47:9, 47:17, 47:22, 48:5, 48:10, 48:11, 48:16, 48:18, 48:22, 48:23, 48:24, 49:2, 52:14, 57:19, 78:11, 78:13, 87:1, 101:15, 102:1 <b>DATE</b> [1] - 1:12 <b>dated</b> [9] - 32:12, 36:10, 45:18, 46:5, 57:22, 62:11, 65:3, 78:8, 114:17				<b>early</b> [1] - 115:5 <b>effect</b> [2] - 45:17, 48:24 <b>effective</b> [6] - 28:2, 35:16, 45:12, 48:22, 102:22, 116:8 <b>effort</b> [1] - 82:19 <b>eight</b> [6] - 36:3, 36:10, 103:10, 103:19, 103:21, 103:25 <b>eighth</b> [2] - 78:7, 102:20 <b>either</b> [6] - 79:24, 89:11, 93:8, 95:5, 103:2, 105:24 <b>email</b> [7] - 70:12, 71:24, 85:21, 87:1, 87:16, 87:22, 89:8 <b>emailed</b> [1] - 58:20 <b>emails</b> [18] - 3:20, 70:12, 84:23, 85:9, 85:16, 85:20, 85:23, 86:11, 86:13, 86:23, 86:24, 87:3, 87:14, 87:17, 88:1, 88:13, 88:22, 119:9 <b>employee</b> [3] - 94:4, 123:14, 123:15 <b>employer</b> [2] - 7:9, 10:1

<p><b>employment</b> [1] - 97:19</p> <p><b>End</b> [1] - 121:12</p> <p><b>end</b> [7] - 69:11, 69:22, 73:5, 75:14, 86:17, 93:15, 108:23</p> <p><b>ends</b> [1] - 57:8</p> <p><b>enhance</b> [1] - 42:5</p> <p><b>enlarge</b> [1] - 100:14</p> <p><b>ensure</b> [3] - 82:3, 102:23, 116:9</p> <p><b>entered</b> [1] - 114:13</p> <p><b>entire</b> [2] - 52:10, 73:21</p> <p><b>entity</b> [9] - 7:15, 8:15, 9:13, 9:18, 9:20, 9:22, 10:10, 10:12, 18:4</p> <p><b>entity's</b> [1] - 10:19</p> <p><b>entries</b> [10] - 36:5, 37:2, 39:22, 43:21, 45:25, 46:1, 57:10, 111:18, 111:23, 115:24</p> <p><b>entry</b> [20] - 36:11, 44:6, 44:14, 47:7, 47:8, 47:14, 47:16, 49:9, 52:13, 56:5, 57:21, 57:24, 59:3, 60:19, 62:11, 65:2, 109:14, 109:23, 116:7</p> <p><b>equated</b> [1] - 42:7</p> <p><b>Equator</b> [3] - 101:1, 101:6, 101:14</p> <p><b>escrow</b> [7] - 26:6, 26:13, 34:7, 37:3, 37:24, 70:17, 75:19</p> <p><b>ESP</b> [1] - 36:25</p> <p><b>ESQUIRE</b> [2] - 2:2, 2:7</p> <p><b>essentially</b> [12] - 20:2, 29:14, 40:1, 58:12, 62:23, 64:5, 65:9, 65:18, 68:3, 68:6, 71:14, 101:17</p> <p><b>establish</b> [1] - 24:11</p> <p><b>establishing</b> [1] - 82:6</p> <p><b>estimation</b> [1] - 107:4</p> <p><b>et</b> [1] - 1:8</p> <p><b>events</b> [1] - 72:1</p> <p><b>eventually</b> [1] - 110:12</p> <p><b>evidently</b> [1] - 73:22</p> <p><b>exactly</b> [4] - 6:23, 85:14, 86:6, 107:16</p> <p><b>Examination</b> [5] - 1:16, 3:4, 3:4, 3:5, 3:5</p> <p><b>EXAMINATION</b> [4] -</p>	<p>4:11, 109:6, 117:25, 121:1</p> <p><b>examined</b> [1] - 4:9</p> <p><b>exchange</b> [1] - 113:2</p> <p><b>exhibit</b> [7] - 27:17, 30:9, 31:14, 36:7, 52:9, 77:1, 114:16</p> <p><b>Exhibit</b> [125] - 3:8, 5:7, 5:19, 6:9, 8:18, 8:20, 9:5, 9:19, 12:9, 12:10, 12:14, 12:16, 12:19, 13:6, 13:9, 15:7, 15:10, 15:15, 15:22, 17:16, 17:18, 17:22, 18:11, 18:17, 18:19, 19:2, 19:3, 19:4, 19:13, 19:14, 20:8, 20:17, 21:5, 21:14, 21:18, 21:22, 22:3, 23:7, 23:23, 24:15, 24:17, 25:4, 25:18, 27:15, 27:25, 28:5, 28:7, 28:15, 28:18, 30:14, 31:7, 32:25, 33:3, 35:6, 36:4, 36:8, 39:2, 39:10, 39:12, 39:22, 39:25, 40:4, 40:20, 42:18, 43:5, 43:7, 43:9, 43:10, 43:16, 44:14, 45:20, 46:1, 47:6, 47:14, 47:24, 49:7, 50:10, 50:15, 56:3, 56:16, 57:20, 58:25, 60:12, 60:25, 61:2, 61:6, 61:12, 61:14, 62:1, 62:3, 62:10, 64:14, 67:3, 77:15, 77:22, 78:8, 78:20, 84:18, 85:19, 85:22, 86:23, 88:21, 89:17, 90:9, 93:18, 94:25, 100:7, 102:19, 103:10, 103:21, 107:20, 107:24, 109:11, 109:19, 111:15, 116:4, 118:8, 119:16, 120:2, 120:18</p> <p><b>Exhibits</b> [1] - 28:4</p> <p><b>exhibits</b> [7] - 4:21, 4:24, 5:3, 24:18, 28:7, 60:20, 77:3</p> <p><b>EXHIBITS</b> [1] - 3:7</p> <p><b>exist</b> [2] - 91:18, 92:7</p> <p><b>exists</b> [1] - 81:22</p> <p><b>expect</b> [1] - 32:16</p> <p><b>expense</b> [3] - 52:4, 54:7, 55:17</p> <p><b>expenses</b> [2] - 52:2, 56:19</p>	<p><b>experiencing</b> [1] - 91:2</p> <p><b>explain</b> [5] - 28:25, 35:9, 35:12, 37:1, 52:20</p> <p><b>explanation</b> [1] - 38:25</p> <p><b>Export</b> [1] - 3:16</p> <p><b>export</b> [9] - 26:18, 27:21, 28:22, 28:24, 30:7, 31:11, 32:2, 32:8, 43:18</p> <p><b>exported</b> [6] - 20:23, 27:10, 30:11, 30:24, 51:4</p> <p><b>Exported</b> [1] - 3:20</p> <p><b>exporting</b> [2] - 31:15, 53:17</p> <p><b>exports</b> [2] - 24:4, 77:13</p> <p><b>extensive</b> [1] - 112:25</p> <p><b>extent</b> [13] - 6:4, 6:21, 7:1, 11:24, 16:11, 30:6, 67:16, 80:14, 82:11, 83:15, 86:2, 95:10, 120:6</p> <p><b>external</b> [2] - 104:7, 104:13</p> <p><b>extracted</b> [1] - 37:14</p> <p><b>eye</b> [1] - 104:14</p>	<p>34:19, 51:25, 59:13, 59:17, 60:17, 61:24</p> <p><b>Feezer</b> [20] - 4:13, 5:4, 7:9, 17:18, 35:8, 44:16, 49:5, 57:24, 65:5, 67:5, 67:12, 78:23, 96:17, 100:12, 107:12, 107:16, 107:18, 109:10, 118:21, 119:5</p> <p><b>FEEZER</b> [3] - 1:11, 3:3, 4:7</p> <p><b>fell</b> [1] - 74:21</p> <p><b>felt</b> [1] - 14:9</p> <p><b>few</b> [1] - 115:24</p> <p><b>field</b> [1] - 31:21</p> <p><b>fields</b> [3] - 29:15, 29:20, 43:24</p> <p><b>Fifth</b> [2] - 3:9, 5:10</p> <p><b>fifths</b> [1] - 108:10</p> <p><b>figures</b> [3] - 42:9, 61:17, 69:6</p> <p><b>file</b> [11] - 22:14, 24:21, 49:24, 59:12, 63:19, 66:13, 69:13, 70:1, 70:25, 74:11, 74:15</p> <p><b>filed</b> [23] - 19:6, 50:8, 50:12, 50:19, 50:25, 51:14, 51:18, 55:1, 56:6, 57:15, 57:18, 63:22, 64:9, 69:10, 69:21, 72:13, 74:16, 98:6, 102:4, 102:5, 117:20, 118:15</p> <p><b>files</b> [1] - 26:2</p> <p><b>filing</b> [4] - 62:17, 64:20, 80:7, 110:4</p> <p><b>fill</b> [1] - 52:17</p> <p><b>Final</b> [23] - 49:18, 49:20, 49:21, 49:25, 50:19, 51:14, 54:2, 54:4, 54:22, 55:1, 55:10, 55:24, 57:16, 57:17, 63:23, 64:3, 64:8, 64:18, 65:16, 72:6, 118:15, 119:12, 121:7</p> <p><b>final</b> [2] - 49:24, 112:23</p> <p><b>finally</b> [2] - 114:7, 117:1</p> <p><b>Financial</b> [13] - 7:10, 7:13, 10:2, 10:4, 10:7, 10:21, 10:22, 11:1, 11:6, 11:8, 11:22, 12:4, 92:21</p> <p><b>financial</b> [4] - 35:17, 35:18, 35:19, 45:13</p> <p><b>financially</b> [1] -</p>	<p>123:17</p> <p><b>findings</b> [1] - 93:4</p> <p><b>fine</b> [2] - 35:2, 60:4</p> <p><b>FINNER</b> [81] - 2:2, 4:12, 4:19, 5:1, 6:7, 6:15, 7:5, 7:14, 8:17, 11:13, 12:5, 12:13, 13:5, 14:24, 15:6, 16:1, 17:2, 21:13, 22:3, 23:5, 23:20, 24:16, 25:13, 25:17, 28:14, 30:13, 34:24, 35:4, 35:5, 38:24, 39:6, 39:8, 41:17, 45:16, 47:13, 49:4, 50:15, 50:17, 53:21, 53:22, 56:1, 57:12, 62:9, 67:10, 67:21, 67:22, 76:25, 77:8, 77:9, 78:15, 78:20, 78:22, 84:17, 85:8, 86:10, 86:21, 88:7, 91:3, 91:16, 96:7, 96:15, 96:21, 96:23, 97:17, 99:5, 100:6, 105:16, 107:23, 108:9, 108:19, 111:4, 113:24, 116:16, 117:9, 117:24, 118:1, 118:20, 119:3, 119:24, 120:22, 120:25</p> <p><b>Finner</b> [7] - 2:3, 3:4, 3:5, 4:15, 12:12, 109:14, 111:24</p> <p><b>First</b> [2] - 13:14, 13:20</p> <p><b>first</b> [38] - 4:8, 9:25, 11:6, 14:1, 18:20, 20:12, 20:16, 20:17, 23:9, 23:10, 23:14, 27:24, 36:3, 36:10, 36:13, 44:14, 47:7, 47:14, 47:15, 49:9, 53:2, 57:4, 57:7, 59:3, 62:11, 67:11, 69:12, 78:8, 86:25, 100:9, 100:17, 102:20, 102:21, 103:1, 103:25, 107:13, 109:19, 122:8</p> <p><b>FIRST</b> [1] - 1:20</p> <p><b>five</b> [5] - 19:1, 57:10, 81:12, 109:3, 109:8</p> <p><b>flag</b> [4] - 98:5, 98:20, 98:24, 99:2</p> <p><b>flags</b> [1] - 82:10</p> <p><b>Fletcher</b> [10] - 1:4, 1:5, 19:6, 71:3, 71:12, 72:10, 74:18, 110:3,</p>
---	---	--	---	---



110:14, 113:2  
**fletcher's** [1] - 116:15  
**Fletcher's** [29] - 13:20, 22:15, 25:1, 25:14, 25:16, 27:4, 27:8, 28:9, 30:22, 36:5, 36:12, 50:8, 55:2, 55:9, 67:13, 69:14, 71:11, 74:3, 80:9, 82:2, 83:23, 85:24, 86:12, 87:4, 95:23, 118:4, 119:15, 120:1, 120:17  
**flip** [1] - 52:15  
**FLORIDA** [3] - 1:21, 122:3, 123:3  
**Florida** [1] - 123:8  
**flow** [11] - 58:8, 62:16, 62:23, 64:6, 65:10, 65:16, 65:18, 66:11, 66:19, 83:13, 111:19  
**flows** [2] - 65:14, 68:2  
**focus** [1] - 71:6  
**follow** [5] - 102:2, 102:3, 102:4, 117:24, 120:24  
**follow-up** [3] - 102:2, 117:24, 120:24  
**followed** [1] - 64:7  
**following** [3] - 97:7, 98:8, 98:16  
**follows** [1] - 4:10  
**FOR** [1] - 1:1  
**forbearance** [1] - 69:24  
**foregoing** [1] - 123:10  
**form** [39] - 5:20, 11:23, 12:22, 15:2, 15:24, 21:7, 21:25, 22:8, 23:11, 23:15, 23:17, 23:24, 28:11, 30:4, 34:12, 39:4, 47:10, 51:1, 55:11, 56:10, 60:23, 62:4, 83:25, 86:1, 87:6, 97:14, 98:15, 99:8, 99:19, 99:21, 102:10, 105:5, 111:4, 113:24, 116:16, 117:9, 119:18, 120:4, 120:19  
**format** [10] - 29:5, 29:18, 30:8, 31:4, 31:13, 31:16, 32:3, 32:11, 81:16  
**formats** [1] - 99:14  
**formatted** [2] - 30:9,

98:13  
**forth** [4] - 24:11, 61:25, 88:3, 113:10  
**forward** [8] - 4:20, 20:14, 35:17, 36:2, 46:18, 58:24, 60:11, 85:1  
**forwarded** [1] - 24:13  
**four** [6] - 36:18, 72:19, 73:11, 86:25, 108:10, 116:2  
**FRANCIS** [1] - 2:7  
**Frank** [3] - 4:19, 96:22, 108:25  
**Freddie** [2] - 104:9, 104:15  
**Freedman** [1] - 64:21  
**front** [1] - 18:14  
**froze** [3] - 38:19, 54:24, 103:7  
**full** [5] - 30:18, 76:16, 114:5, 118:8, 119:10  
**fully** [1] - 19:23  
**function** [1] - 11:11  
**funds** [12] - 41:15, 50:1, 50:3, 50:4, 51:22, 52:3, 55:16, 56:19, 57:23, 109:15, 114:10, 115:18  
**FURTHER** [2] - 117:25, 121:1

## G

**gain** [2] - 98:11, 118:10  
**gap** [4] - 72:25, 74:24, 86:23, 87:22  
**gate** [1] - 46:19  
**general** [3] - 44:21, 53:23, 63:2  
**generally** [3] - 29:3, 32:21, 52:11  
**generate** [1] - 29:1  
**generated** [7] - 21:15, 21:19, 21:23, 22:5, 22:11, 28:25, 52:9  
**GINA** [3] - 1:11, 3:3, 4:7  
**Gina** [3] - 107:11, 107:14, 108:2  
**given** [2] - 61:13, 123:12  
**Gonzales** [2] - 105:21, 105:23  
**goodbye** [1] - 45:4  
**group** [2] - 92:23,

112:2  
**GSE** [1] - 104:8  
**guess** [6] - 36:24, 73:21, 79:7, 88:15, 110:4, 119:21  
**guidelines** [2] - 104:10, 104:15  
**guise** [1] - 104:14  
**guys** [1] - 77:4

## H

**hand** [2] - 102:22, 122:10  
**handing** [1] - 65:19  
**handle** [6] - 47:21, 63:3, 66:7, 66:23, 92:13, 95:8  
**handled** [3] - 62:25, 66:20, 112:13  
**handling** [3] - 63:12, 88:6, 112:14  
**head** [1] - 18:10  
**headed** [1] - 108:11  
**header** [1] - 103:20  
**headers** [1] - 53:15  
**hear** [2] - 36:7, 47:12  
**heard** [5] - 53:18, 54:23, 90:5, 91:4, 104:22  
**held** [1] - 29:14  
**hello/goodbye** [2] - 45:5, 46:15  
**help** [1] - 76:17  
**helping** [1] - 70:8  
**hence** [1] - 111:19  
**hereby** [2] - 122:6, 123:8  
**hired** [1] - 107:13  
**histories** [7] - 19:15, 58:19, 58:21, 60:21, 79:23, 84:7, 115:1  
**History** [9] - 3:14, 3:17, 3:18, 29:22, 33:6, 33:11, 34:4, 34:10, 34:18  
**history** [70] - 3:15, 17:23, 18:24, 19:5, 19:9, 19:17, 19:19, 19:24, 20:4, 20:7, 20:21, 20:23, 22:21, 23:4, 24:9, 24:14, 25:24, 26:1, 26:3, 26:20, 27:22, 28:8, 28:17, 28:23, 29:22, 30:18, 30:24, 31:3, 31:12, 32:6, 32:9, 32:15, 33:10, 33:12, 33:16, 33:17, 33:20, 34:11, 34:16, 37:15,

38:12, 38:16, 41:13, 42:2, 42:12, 42:13, 44:3, 47:22, 48:8, 48:21, 58:7, 58:13, 58:23, 60:13, 62:8, 68:19, 73:20, 73:21, 83:14, 83:19, 84:12, 89:5, 93:10, 110:9, 111:7, 111:13, 115:6, 115:24, 116:23  
**holding** [1] - 70:3  
**honest** [2] - 14:6, 86:4  
**hopes** [1] - 9:3  
**hours** [2] - 68:14, 68:15  
**house** [1] - 7:25  
**housed** [1] - 102:13  
**Houston** [2] - 67:2, 111:21  
**hundred** [3] - 107:1, 107:8, 107:9

## I

**ID** [4] - 59:24, 60:1, 78:10  
**IDBLC** [1] - 78:9  
**identification** [1] - 86:12  
**identified** [14] - 60:9, 61:12, 62:13, 71:18, 89:25, 95:6, 96:4, 98:4, 98:18, 98:19, 99:24, 104:24, 113:6, 116:1  
**identifies** [1] - 9:20  
**identify** [8] - 6:8, 42:19, 56:7, 60:19, 90:14, 92:5, 98:22, 105:9  
**identifying** [2] - 105:8, 105:14  
**identity** [1] - 59:21  
**image** [10] - 14:16, 21:19, 22:4, 22:13, 22:23, 23:21, 23:22, 24:1, 89:12  
**imaged** [1] - 23:16  
**images** [14] - 14:17, 23:8, 24:19, 24:25, 25:13, 25:15, 79:16, 81:9, 88:9, 88:22, 88:23, 89:2, 89:9, 89:10  
**imaging** [4] - 22:14, 23:3, 81:11, 84:10  
**implemented** [3] - 60:14, 60:15, 100:21  
**IN** [1] - 1:1

**in-house** [1] - 7:25  
**inaudible** [1] - 69:3  
**include** [1] - 88:9  
**included** [2] - 38:17, 118:8  
**including** [1] - 103:20  
**inclusive** [2] - 87:20, 113:1  
**incorporate** [3] - 42:11, 68:18, 69:25  
**incorporated** [6] - 28:2, 55:9, 62:6, 80:20, 80:23, 89:13  
**incorporating** [1] - 38:15  
**increase** [1] - 45:20  
**independent** [2] - 12:24, 41:23  
**indicate** [5] - 32:17, 50:12, 50:18, 67:6, 104:5  
**indicated** [3] - 36:22, 38:4, 112:2  
**indicates** [3] - 30:15, 45:4, 95:18  
**indicating** [1] - 66:1  
**indication** [4] - 20:19, 62:2, 64:16, 116:13  
**indirect** [1] - 10:6  
**individual** [2] - 103:3, 103:13  
**indulgence** [1] - 5:3  
**info** [1] - 3:19  
**information** [81] - 6:4, 7:1, 16:12, 16:18, 21:4, 24:4, 29:8, 29:15, 29:17, 30:14, 31:6, 31:23, 32:13, 32:16, 33:15, 33:23, 33:24, 34:6, 34:10, 34:17, 34:18, 35:15, 35:18, 35:19, 36:14, 36:15, 36:17, 37:1, 39:1, 41:18, 44:21, 44:24, 45:6, 45:11, 45:14, 45:24, 48:2, 51:8, 52:7, 52:14, 52:17, 52:23, 53:10, 57:18, 62:14, 63:22, 63:25, 65:7, 71:9, 81:12, 82:20, 82:23, 83:10, 83:18, 83:22, 84:3, 84:7, 84:16, 88:12, 89:15, 89:16, 94:3, 95:11, 96:3, 96:6, 97:12, 98:2, 98:12, 98:13, 99:20, 99:23, 102:8, 102:12,



102:21, 104:20, 104:25, 105:2, 105:13, 120:7 <b>information's</b> [1] - 53:14 <b>ingrained</b> [1] - 101:15 <b>initial</b> [2] - 36:13, 45:19 <b>initiated</b> [1] - 56:8 <b>inquiry</b> [1] - 92:17 <b>inserted</b> [1] - 58:17 <b>inside</b> [1] - 115:18 <b>instance</b> [4] - 44:7, 46:13, 48:13, 63:24 <b>instead</b> [1] - 56:23 <b>instruct</b> [1] - 7:23 <b>instructed</b> [1] - 7:21 <b>instructing</b> [1] - 6:15 <b>intended</b> [1] - 116:25 <b>interest</b> [5] - 38:1, 38:9, 40:8, 41:4, 71:5 <b>interested</b> [1] - 123:17 <b>interim</b> [5] - 39:16, 51:6, 53:3, 54:4, 55:15 <b>internal</b> [1] - 104:11 <b>internally</b> [1] - 32:23 <b>internet</b> [1] - 9:4 <b>investor</b> [1] - 76:22 <b>invoices</b> [1] - 61:8 <b>involved</b> [11] - 15:3, 16:16, 76:23, 86:5, 90:25, 91:8, 93:24, 105:2, 105:9, 105:10, 105:15 <b>involvement</b> [1] - 13:19 <b>involves</b> [2] - 16:18, 93:7 <b>isolate</b> [1] - 46:21 <b>issue</b> [8] - 69:10, 89:22, 94:14, 94:15, 96:4, 104:19, 104:21, 104:23 <b>issued</b> [1] - 105:4 <b>issues</b> [4] - 69:21, 73:23, 91:2, 94:24 <b>IT</b> [2] - 85:14, 85:16 <b>item</b> [1] - 48:24 <b>Items</b> [1] - 3:22 <b>items</b> [1] - 89:21 <b>itself</b> [2] - 80:12, 80:17	<b>January</b> [1] - 90:16 <b>job</b> [5] - 92:20, 94:8, 103:3, 103:13, 106:9 <b>Johnson</b> [3] - 107:14, 107:19, 108:3 <b>joint</b> [1] - 45:5 <b>jpeg</b> [1] - 89:12 <b>July</b> [1] - 80:5 <b>jumped</b> [1] - 73:7 <b>juncture</b> [1] - 79:6 <b>June</b> [11] - 3:17, 23:13, 27:5, 27:8, 27:22, 46:25, 47:9, 47:17, 48:1, 73:8, 79:21 <b>justification</b> [1] - 53:19	<b>lawsuit</b> [4] - 7:19, 7:22, 82:2, 82:4 <b>leading</b> [2] - 70:12, 71:2 <b>leads</b> [1] - 75:10 <b>Leah</b> [1] - 64:21 <b>learned</b> [2] - 95:11, 95:24 <b>leave</b> [3] - 46:8, 48:4, 77:5 <b>ledger</b> [3] - 39:19, 115:8, 115:12 <b>left</b> [3] - 100:11, 102:22, 115:4 <b>left-hand</b> [1] - 102:22 <b>legal</b> [8] - 9:13, 11:24, 13:2, 14:9, 14:19, 16:24, 17:7, 17:9 <b>legally</b> [1] - 8:10 <b>letter</b> [6] - 45:4, 45:5, 45:8, 46:15, 99:14, 99:25 <b>letters</b> [1] - 100:4 <b>letting</b> [1] - 52:21 <b>level</b> [5] - 91:12, 91:25, 92:12, 92:13, 93:11 <b>lien</b> [2] - 91:24, 91:25 <b>lien-level</b> [1] - 91:25 <b>likely</b> [2] - 31:2, 32:14 <b>line</b> [19] - 20:17, 36:15, 53:7, 59:3, 62:18, 87:12, 87:13, 100:10, 102:20, 103:15, 104:2, 104:3, 104:18, 104:25, 105:1, 105:8, 108:4, 108:8, 113:10 <b>lines</b> [7] - 36:24, 37:10, 103:10, 103:19, 103:20, 103:21, 103:25 <b>list</b> [1] - 86:18 <b>listed</b> [7] - 22:20, 39:21, 40:23, 41:10, 59:10, 61:16, 78:5 <b>lists</b> [1] - 57:7 <b>litigated</b> [1] - 93:2 <b>litigation</b> [6] - 16:19, 82:10, 82:12, 82:20, 94:2 <b>LLC</b> [6] - 7:16, 7:19, 7:21, 9:17, 11:11, 11:18 <b>LLC's</b> [1] - 15:18 <b>LLP</b> [1] - 2:8 <b>LM</b> [4] - 65:22, 65:23, 66:25, 111:20	<b>load</b> [1] - 9:3 <b>Loan</b> [30] - 3:16, 3:19, 7:16, 7:18, 7:21, 8:4, 8:5, 8:6, 8:9, 8:16, 9:16, 9:17, 10:8, 11:11, 11:18, 11:20, 14:23, 15:18, 22:17, 23:2, 26:3, 26:14, 29:24, 31:5, 43:19, 81:10, 92:22, 106:21, 120:14 <b>loan</b> [117] - 18:6, 20:17, 20:25, 22:15, 22:16, 24:6, 24:20, 25:1, 25:14, 25:16, 26:7, 26:10, 26:11, 26:16, 26:23, 27:4, 27:8, 27:9, 27:22, 28:9, 28:23, 30:22, 31:22, 35:9, 35:12, 35:13, 35:22, 35:23, 36:6, 36:12, 37:5, 39:15, 44:1, 44:4, 44:15, 44:24, 45:2, 45:9, 46:1, 46:7, 47:15, 47:25, 48:3, 54:8, 55:9, 58:16, 58:17, 59:14, 59:18, 59:19, 60:18, 62:20, 66:2, 67:13, 67:14, 68:13, 68:17, 69:4, 69:16, 73:21, 74:3, 74:14, 76:5, 76:21, 77:14, 78:2, 78:3, 79:11, 79:17, 79:25, 80:9, 80:20, 80:21, 82:7, 82:8, 82:11, 82:13, 82:15, 82:16, 83:7, 83:23, 84:13, 89:6, 91:12, 92:12, 92:13, 93:10, 93:11, 94:20, 95:23, 96:25, 98:4, 98:7, 98:19, 98:22, 99:2, 99:12, 99:24, 108:2, 111:22, 112:11, 113:14, 114:21, 115:11, 116:1, 116:13, 116:15, 117:2, 117:3, 117:4, 117:8, 117:14, 118:4, 120:1, 120:17, 121:4 <b>loan-level</b> [2] - 92:13, 93:11 <b>loans</b> [2] - 95:8, 97:21 <b>Loans</b> [1] - 33:7 <b>locate</b> [2] - 57:23, 109:15 <b>located</b> [1] - 58:14	<b>location</b> [1] - 58:20 <b>log</b> [24] - 42:3, 42:5, 42:14, 42:20, 42:25, 43:17, 44:6, 44:13, 49:7, 53:14, 60:22, 62:7, 77:20, 83:8, 83:11, 87:25, 88:1, 88:5, 88:10, 88:18, 89:1, 94:12, 94:17, 120:14 <b>Log</b> [1] - 3:19 <b>Logan</b> [1] - 2:8 <b>logs</b> [3] - 77:19, 81:15, 84:8 <b>Lolita</b> [9] - 3:21, 68:7, 75:22, 76:7, 76:8, 76:14, 84:23, 112:17, 114:17 <b>look</b> [27] - 20:16, 25:4, 25:19, 27:15, 32:11, 33:1, 39:13, 40:4, 52:11, 54:10, 55:23, 60:25, 61:20, 79:3, 87:12, 87:24, 94:18, 103:8, 104:18, 104:23, 108:17, 109:18, 114:15, 115:1, 115:7, 116:4, 118:11 <b>looked</b> [2] - 60:20, 89:4 <b>looking</b> [17] - 12:8, 24:21, 28:4, 32:1, 45:20, 47:6, 47:23, 52:18, 52:19, 52:20, 52:25, 76:6, 78:7, 79:7, 89:3, 90:9, 115:6 <b>looks</b> [16] - 17:24, 30:19, 32:3, 42:22, 43:1, 49:15, 51:2, 52:10, 58:14, 66:24, 90:12, 100:9, 104:8, 104:15, 104:17, 110:6 <b>loss</b> [2] - 65:23, 67:1 <b>lost</b> [1] - 104:22 <b>low</b> [1] - 71:5	
<b>J</b>	<b>K</b>	<b>L</b>	<b>M</b>		
<b>JACKSONVILLE</b> [1] - 1:21	<b>keep</b> [3] - 31:20, 68:23, 81:6 <b>keeping</b> [2] - 27:3, 74:21 <b>keeps</b> [1] - 68:24 <b>Kelly</b> [2] - 105:21, 105:23 <b>kept</b> [2] - 82:15, 109:2 <b>kicked</b> [1] - 112:16 <b>kind</b> [9] - 35:11, 42:5, 67:24, 68:3, 70:21, 71:24, 71:25, 74:21, 88:2 <b>Knight</b> [3] - 27:14, 30:23, 77:24 <b>knowledge</b> [4] - 12:25, 16:25, 17:8, 92:9 <b>known</b> [1] - 7:15 <b>knows</b> [1] - 6:17	<b>label</b> [1] - 20:22 <b>large</b> [3] - 72:10, 85:3, 87:16 <b>large-trailing</b> [1] - 87:16 <b>last</b> [6] - 43:18, 87:1, 91:4, 91:5, 113:17, 114:7 <b>late</b> [9] - 33:21, 34:20, 37:6, 37:8, 37:9, 37:21, 40:15, 40:19, 40:21 <b>late-charge</b> [1] - 34:20 <b>law</b> [2] - 92:25, 93:3 <b>laws</b> [1] - 99:12	<b>list</b> [1] - 86:18 <b>listed</b> [7] - 22:20, 39:21, 40:23, 41:10, 59:10, 61:16, 78:5 <b>lists</b> [1] - 57:7 <b>litigated</b> [1] - 93:2 <b>litigation</b> [6] - 16:19, 82:10, 82:12, 82:20, 94:2 <b>LLC</b> [6] - 7:16, 7:19, 7:21, 9:17, 11:11, 11:18 <b>LLC's</b> [1] - 15:18 <b>LLP</b> [1] - 2:8 <b>LM</b> [4] - 65:22, 65:23, 66:25, 111:20	<b>loan-level</b> [2] - 92:13, 93:11 <b>loans</b> [2] - 95:8, 97:21 <b>Loans</b> [1] - 33:7 <b>locate</b> [2] - 57:23, 109:15 <b>located</b> [1] - 58:14	<b>magnify</b> [1] - 90:13 <b>maiden</b> [1] - 107:15 <b>main</b> [6] - 19:23, 20:3, 20:7, 24:8, 33:12, 68:19 <b>maintained</b> [1] - 30:2 <b>maintains</b> [2] - 97:11, 97:20 <b>managed</b> [1] - 106:19

<p><b>management</b> [6] - 89:24, 90:4, 91:9, 91:22, 92:3</p> <p><b>manager</b> [5] - 60:9, 76:18, 105:11, 106:11, 106:18</p> <p><b>manner</b> [9] - 19:20, 19:21, 20:15, 31:20, 38:13, 39:14, 44:1, 61:20, 115:2</p> <p><b>manually</b> [1] - 83:20</p> <p><b>married</b> [1] - 107:14</p> <p><b>Maryland</b> [1] - 2:4</p> <p><b>MARYLAND</b> [1] - 1:1</p> <p><b>matter</b> [4] - 4:16, 29:3, 70:5, 87:17</p> <p><b>matters</b> [2] - 93:3, 93:12</p> <p><b>Matthew</b> [2] - 105:17, 105:19</p> <p><b>mean</b> [24] - 12:6, 19:18, 20:20, 21:10, 21:11, 29:9, 34:9, 52:6, 62:19, 64:14, 67:23, 72:7, 74:3, 81:1, 83:3, 84:15, 90:2, 93:17, 95:1, 97:23, 98:9, 110:12, 119:8</p> <p><b>meaning</b> [2] - 69:11, 69:22</p> <p><b>means</b> [3] - 35:9, 35:12, 35:13</p> <p><b>meant</b> [1] - 67:13</p> <p><b>mechanism</b> [1] - 101:18</p> <p><b>mentioned</b> [1] - 4:9</p> <p><b>merged</b> [3] - 8:6, 9:16, 11:18</p> <p><b>Merger</b> [1] - 15:17</p> <p><b>merger</b> [5] - 11:12, 11:20, 97:4, 97:7, 97:10</p> <p><b>method</b> [3] - 29:2, 29:11, 31:10</p> <p><b>Michael</b> [6] - 3:21, 70:7, 71:3, 75:22, 84:24, 112:17</p> <p><b>Michelle</b> [3] - 76:7, 76:12, 76:13</p> <p><b>middle</b> [5] - 36:19, 40:14, 56:17, 61:8, 103:7</p> <p><b>might</b> [1] - 90:13</p> <p><b>milestones</b> [1] - 101:22</p> <p><b>Millner</b> [3] - 3:21, 84:23, 114:17</p> <p><b>Milner</b> [5] - 68:7, 75:22, 76:7, 76:8,</p>	<p>112:17</p> <p><b>mind</b> [2] - 10:18, 108:24</p> <p><b>mine</b> [1] - 100:16</p> <p><b>minutes</b> [4] - 34:25, 35:2, 77:6, 109:3</p> <p><b>misapplication</b> [2] - 104:20, 105:3</p> <p><b>misapplied</b> [1] - 52:2</p> <p><b>miscellaneous</b> [2] - 40:23, 41:7</p> <p><b>mischaracterizes</b> [1] - 11:4</p> <p><b>missing</b> [2] - 19:16, 19:18</p> <p><b>mistaken</b> [1] - 79:5</p> <p><b>mitigation</b> [2] - 65:24, 67:1</p> <p><b>model</b> [2] - 83:2, 83:4</p> <p><b>modification</b> [9] - 70:10, 71:4, 71:9, 76:21, 79:10, 79:12, 80:1, 82:25, 83:7</p> <p><b>modify</b> [1] - 15:21</p> <p><b>module</b> [8] - 34:19, 34:20, 68:25, 69:24, 79:5, 117:3, 117:4, 117:8</p> <p><b>mom</b> [1] - 73:23</p> <p><b>money</b> [3] - 40:25, 41:4, 52:1</p> <p><b>month</b> [3] - 49:1, 49:2, 74:5</p> <p><b>monthly</b> [2] - 72:20, 74:22</p> <p><b>months</b> [3] - 71:23, 75:1, 75:2</p> <p><b>morning</b> [3] - 4:13, 4:14, 4:17</p> <p><b>Mortgage</b> [11] - 8:7, 9:16, 9:20, 10:4, 10:9, 10:11, 10:12, 10:16, 10:19, 10:20, 11:2</p> <p><b>mortgage</b> [1] - 10:9</p> <p><b>Motion</b> [10] - 69:10, 69:13, 69:21, 70:2, 72:12, 74:11, 74:15, 74:16, 101:25, 102:10</p> <p><b>move</b> [2] - 70:4, 76:25</p> <p><b>moving</b> [4] - 20:13, 36:2, 60:17, 85:1</p> <p><b>moving-forward</b> [1] - 36:2</p> <p><b>MR</b> [154] - 4:12, 4:19, 4:22, 5:1, 5:20, 6:7, 6:11, 6:15, 6:17, 7:5, 7:11, 7:14, 7:23, 8:17, 11:3, 11:13, 11:23,</p>	<p>12:5, 12:11, 12:13, 12:22, 13:5, 14:3, 14:24, 15:2, 15:6, 15:24, 16:1, 16:11, 17:2, 21:7, 21:13, 21:25, 22:3, 22:8, 22:22, 23:5, 23:17, 23:20, 23:24, 24:16, 25:2, 25:13, 25:15, 25:17, 28:11, 28:14, 30:4, 30:13, 34:12, 34:24, 35:2, 35:4, 35:5, 38:19, 38:24, 39:4, 39:6, 39:8, 40:18, 41:17, 44:20, 44:22, 45:16, 47:10, 47:13, 48:15, 49:4, 50:14, 50:15, 50:17, 53:18, 53:21, 53:22, 55:11, 56:1, 56:10, 57:6, 57:12, 60:23, 62:4, 62:9, 67:7, 67:10, 67:16, 67:21, 67:22, 76:25, 77:8, 77:9, 78:14, 78:15, 78:18, 78:20, 78:21, 78:22, 80:13, 82:5, 82:22, 83:25, 84:17, 84:21, 85:8, 86:1, 86:10, 86:15, 86:21, 87:6, 88:7, 91:3, 91:16, 95:10, 96:7, 96:12, 96:15, 96:21, 96:23, 97:14, 97:17, 98:15, 99:5, 99:8, 100:6, 105:5, 105:16, 107:21, 107:23, 108:4, 108:9, 108:19, 109:1, 109:7, 111:4, 111:9, 113:24, 114:14, 116:16, 116:18, 117:9, 117:22, 117:24, 118:1, 118:18, 118:20, 119:3, 119:18, 119:24, 120:4, 120:19, 120:22, 120:23, 120:25, 121:2, 121:9</p> <p><b>MSP</b> [4] - 27:14, 77:20, 80:22, 81:2</p> <p><b>multi</b> [1] - 3:12</p> <p><b>Multi</b> [1] - 3:19</p> <p><b>multi-docs</b> [1] - 3:12</p> <p><b>Multi-page</b> [1] - 3:19</p> <p><b>multiple</b> [1] - 13:13</p> <p><b>municipalities</b> [1] - 100:4</p> <p><b>mute</b> [1] - 80:13</p>	<p><b>N</b></p> <p><b>name</b> [16] - 4:15, 7:8, 9:22, 10:1, 10:19, 26:25, 27:12, 59:25, 90:1, 90:4, 92:23, 103:2, 103:12, 107:11, 107:14, 107:15</p> <p><b>named</b> [5] - 6:3, 8:11, 8:15</p> <p><b>National</b> [1] - 1:7</p> <p><b>nature</b> [12] - 26:6, 29:23, 32:24, 34:3, 34:8, 75:10, 87:18, 99:15, 100:5, 102:11, 104:11, 112:15</p> <p><b>necessarily</b> [11] - 32:19, 46:11, 63:10, 81:1, 81:5, 81:24, 83:3, 93:13, 101:4, 105:13, 109:2</p> <p><b>necessary</b> [2] - 12:20, 112:19</p> <p><b>need</b> [8] - 48:9, 54:9, 58:4, 59:8, 59:18, 65:10, 94:9, 100:14</p> <p><b>needed</b> [7] - 14:10, 46:16, 56:19, 66:3, 68:18, 70:4, 93:22</p> <p><b>needless</b> [1] - 75:25</p> <p><b>needs</b> [1] - 100:5</p> <p><b>negative</b> [2] - 37:23, 70:16</p> <p><b>negatives</b> [1] - 36:18</p> <p><b>negotiation</b> [1] - 75:15</p> <p><b>negotiations</b> [2] - 71:10, 71:22</p> <p><b>net</b> [2] - 75:15, 75:25</p> <p><b>network</b> [3] - 85:13, 85:18</p> <p><b>never</b> [2] - 73:7, 114:11</p> <p><b>new</b> [3] - 81:3, 84:10, 99:21</p> <p><b>next</b> [11] - 36:14, 51:19, 51:20, 54:18, 55:5, 62:18, 64:12, 64:13, 65:12, 68:12, 76:15</p> <p><b>nine</b> [1] - 103:20</p> <p><b>ninth</b> [1] - 100:10</p> <p><b>NLB</b> [1] - 36:25</p> <p><b>NOFCX</b> [1] - 62:13</p> <p><b>non</b> [1] - 102:21</p> <p><b>non-redacted</b> [1] - 102:21</p> <p><b>normal</b> [1] - 63:18</p> <p><b>North</b> [1] - 2:9</p>	<p><b>Notary</b> [1] - 123:7</p> <p><b>notation</b> [4] - 23:12, 26:4, 37:3, 62:6</p> <p><b>notations</b> [1] - 13:16</p> <p><b>note</b> [4] - 44:3, 61:14, 77:25, 110:11</p> <p><b>noted</b> [10] - 24:7, 44:5, 44:8, 44:10, 50:24, 67:25, 82:12, 83:7, 83:10, 117:18</p> <p><b>notes</b> [10] - 24:2, 32:17, 43:19, 43:22, 44:11, 44:19, 50:21, 78:4, 78:5, 109:24</p> <p><b>nothing</b> [2] - 94:8, 117:22</p> <p><b>notice</b> [11] - 6:25, 50:3, 50:7, 50:12, 50:25, 59:12, 66:12, 66:13, 66:20, 70:25, 108:6</p> <p><b>Notice</b> [26] - 3:9, 5:10, 49:18, 49:19, 49:21, 49:25, 50:19, 51:14, 54:2, 54:3, 54:22, 55:1, 55:10, 55:24, 57:16, 57:17, 62:17, 63:23, 64:3, 64:8, 64:18, 65:16, 72:6, 118:15, 119:11, 121:6</p> <p><b>noting</b> [1] - 40:9</p> <p><b>NOTS</b> [2] - 77:21, 78:1</p> <p><b>November</b> [6] - 1:12, 5:22, 90:12, 91:18, 122:11, 123:19</p> <p><b>Number</b> [78] - 9:19, 12:9, 12:10, 12:14, 12:16, 12:20, 13:6, 13:9, 15:8, 15:10, 15:16, 15:22, 17:16, 17:18, 17:22, 18:12, 18:17, 18:19, 19:2, 19:3, 19:13, 19:14, 20:17, 21:5, 21:14, 21:18, 21:22, 22:4, 23:7, 23:8, 23:23, 24:15, 24:17, 25:4, 25:18, 27:15, 27:25, 28:5, 28:7, 28:15, 30:15, 31:7, 32:25, 35:6, 36:4, 39:2, 39:11, 39:25, 40:5, 40:20, 42:18, 43:5, 43:10, 44:14, 45:21, 46:1, 47:6, 47:14, 47:24, 49:7, 50:11, 50:15, 56:3, 77:10, 84:18, 85:19, 85:22,</p>
---	--	---	--	--

86:23, 88:21, 89:17, 90:10, 94:25, 100:8, 102:19, 109:19, 118:8, 120:2, 120:18 <b>number</b> [23] - 22:15, 27:17, 36:7, 43:6, 43:7, 45:2, 45:3, 45:8, 52:16, 56:22, 56:24, 57:2, 61:2, 72:10, 78:2, 78:3, 79:17, 88:22, 94:4, 94:20, 104:19, 112:22 <b>numbered</b> [3] - 5:18, 6:8, 12:9 <b>numbers</b> [9] - 41:20, 42:20, 43:4, 68:22, 75:6, 76:24, 83:9, 83:17 <b>nutshell</b> [1] - 75:13	<b>October</b> [1] - 96:9 <b>Ocwen</b> [96] - 5:21, 6:10, 7:13, 7:16, 7:18, 7:21, 8:4, 8:5, 8:6, 8:8, 8:15, 9:15, 9:17, 10:2, 10:3, 10:6, 10:8, 10:20, 10:22, 11:1, 11:6, 11:8, 11:11, 11:17, 11:20, 11:22, 12:4, 14:23, 15:18, 18:7, 19:25, 22:12, 22:17, 23:2, 26:3, 26:14, 28:23, 29:24, 31:5, 31:10, 33:7, 35:21, 35:24, 36:20, 37:13, 38:2, 38:4, 38:5, 38:10, 38:14, 38:22, 40:6, 40:10, 40:16, 43:19, 45:8, 46:7, 46:17, 46:18, 46:23, 48:9, 48:17, 59:9, 68:23, 68:24, 69:4, 74:8, 74:9, 74:14, 79:18, 80:7, 81:10, 82:1, 82:19, 82:24, 90:23, 92:20, 94:4, 95:5, 96:8, 96:25, 97:1, 102:22, 103:11, 103:22, 106:10, 107:13, 112:10, 114:25, 115:3, 115:21, 115:25, 116:7, 119:13, 120:14 <b>Ocwen's</b> [15] - 25:23, 26:15, 37:2, 41:18, 42:24, 45:24, 77:18, 79:11, 80:22, 83:3, 83:6, 84:13, 85:16, 87:24, 108:1 <b>OF</b> [7] - 1:1, 1:11, 122:1, 122:3, 122:4, 123:3, 123:4 <b>office</b> [2] - 67:2, 106:3 <b>official</b> [1] - 122:10 <b>officially</b> [1] - 35:21 <b>once</b> [14] - 19:6, 20:5, 20:22, 26:20, 35:21, 41:12, 49:23, 54:3, 54:13, 55:13, 74:16, 113:19, 115:21 <b>One</b> [1] - 2:8 <b>one</b> [21] - 18:20, 26:2, 28:7, 29:12, 45:4, 49:1, 53:2, 53:25, 71:2, 71:19, 86:18, 87:15, 89:20, 101:12, 102:4, 117:24, 118:12,	118:18, 119:2, 120:23 <b>ones</b> [1] - 6:18 <b>ongoing</b> [4] - 18:1, 18:2, 20:8, 20:15 <b>online</b> [1] - 88:21 <b>open</b> [24] - 5:4, 8:18, 9:5, 13:6, 15:7, 17:15, 18:11, 25:18, 27:15, 28:18, 32:25, 43:10, 45:1, 45:10, 46:20, 77:2, 77:10, 77:11, 84:18, 84:19, 89:17, 107:20, 109:2, 109:20 <b>opened</b> [4] - 48:17, 48:19, 48:20, 98:23 <b>opening</b> [2] - 35:18, 51:4 <b>operating</b> [2] - 81:7, 88:16 <b>operational</b> [1] - 98:25 <b>operations</b> [2] - 62:21, 95:6 <b>opposed</b> [8] - 10:15, 46:17, 48:23, 53:16, 53:20, 69:2, 70:24, 107:18 <b>Order</b> [4] - 70:1, 72:16, 72:18, 73:17 <b>order</b> [27] - 12:25, 20:5, 29:16, 33:19, 37:13, 42:9, 45:9, 47:20, 48:5, 49:25, 51:22, 58:22, 59:12, 60:11, 65:13, 69:1, 70:14, 70:20, 74:10, 74:18, 76:2, 76:21, 78:2, 92:3, 92:17, 112:18, 113:12 <b>original</b> [1] - 101:13 <b>otherwise</b> [2] - 8:2, 10:18 <b>outcome</b> [2] - 71:14, 110:23 <b>outlined</b> [1] - 88:5 <b>outlining</b> [1] - 59:16 <b>Outlook</b> [2] - 88:13, 88:15 <b>outside</b> [6] - 8:1, 17:1, 93:5, 101:8, 101:18, 119:8 <b>outstanding</b> [1] - 41:4 <b>overview</b> [2] - 71:25, 75:13 <b>owed</b> [2] - 40:2, 40:6 <b>own</b> [3] - 10:20, 10:22, 115:12 <b>ownership</b> [1] - 11:7 <b>owns</b> [1] - 11:1	<b>P</b> <b>P.C</b> [1] - 2:3 <b>p.m</b> [1] - 1:13 <b>P.O</b> [1] - 2:4 <b>package</b> [1] - 101:4 <b>Page</b> [2] - 3:2, 3:8 <b>page</b> [84] - 3:19, 18:20, 20:16, 23:9, 23:10, 23:14, 23:21, 24:7, 24:13, 27:24, 28:5, 28:7, 28:15, 39:2, 39:10, 39:12, 39:25, 40:14, 40:20, 43:6, 43:7, 43:8, 47:15, 49:6, 49:9, 50:10, 50:14, 50:15, 51:19, 52:15, 53:1, 53:2, 53:5, 56:4, 56:6, 56:15, 56:18, 57:20, 57:22, 58:2, 58:25, 59:3, 61:3, 61:9, 61:12, 61:14, 62:1, 62:10, 64:12, 64:13, 64:14, 65:1, 67:3, 67:7, 67:12, 76:15, 78:8, 78:14, 78:16, 78:20, 87:1, 90:14, 90:18, 100:7, 102:18, 103:10, 103:19, 103:20, 104:16, 104:17, 107:24, 108:8, 108:10, 109:11, 109:19, 111:15, 114:15, 116:5, 118:13 <b>pages</b> [15] - 18:16, 18:21, 19:2, 23:23, 24:3, 24:18, 52:8, 56:12, 58:24, 85:19, 85:22, 86:25, 90:11, 90:18 <b>painstakingly</b> [1] - 71:17 <b>Palm</b> [1] - 106:4 <b>paragraph</b> [1] - 108:11 <b>paragraphs</b> [3] - 5:19, 6:8, 12:9 <b>parent</b> [2] - 10:24, 10:25 <b>part</b> [10] - 25:6, 32:20, 50:22, 59:14, 60:7, 65:10, 65:15, 103:8, 104:22, 111:12 <b>particular</b> [16] - 9:13, 18:4, 31:22, 32:14, 45:7, 48:13, 63:21, 63:24, 83:1, 90:1, 94:2, 95:1, 95:3,	95:25, 105:7, 110:24 <b>parties</b> [2] - 4:3, 123:15 <b>parties'</b> [1] - 123:16 <b>party</b> [3] - 8:9, 8:11, 81:21 <b>past</b> [2] - 73:12, 75:2 <b>paste</b> [1] - 31:3 <b>pasted</b> [3] - 88:11, 88:18, 89:7 <b>path</b> [4] - 58:13, 58:16, 58:19, 58:22 <b>patience</b> [1] - 5:2 <b>Patrick</b> [2] - 105:25, 106:2 <b>pause</b> [1] - 56:11 <b>pay</b> [1] - 20:6 <b>payment</b> [50] - 17:23, 25:23, 25:25, 29:21, 33:9, 33:15, 33:17, 33:23, 34:11, 34:21, 34:23, 38:13, 42:8, 46:15, 46:16, 46:18, 47:2, 57:1, 58:5, 71:18, 72:16, 72:20, 72:22, 72:23, 73:8, 73:9, 73:10, 73:14, 73:15, 74:22, 74:25, 75:16, 87:18, 110:5, 110:16, 110:17, 111:8, 113:17, 114:3, 114:4, 114:8, 114:9, 115:2, 116:20, 116:24, 117:18, 117:19 <b>Payment</b> [1] - 3:14 <b>payments</b> [50] - 20:5, 20:6, 20:11, 26:5, 33:13, 34:6, 34:22, 38:2, 38:10, 47:21, 48:6, 54:17, 69:1, 69:15, 69:17, 69:19, 69:25, 70:13, 70:16, 71:16, 71:19, 72:5, 72:11, 72:17, 72:19, 73:1, 73:4, 73:6, 73:11, 73:12, 73:16, 73:19, 74:5, 74:8, 74:9, 74:19, 74:20, 75:4, 75:10, 75:21, 85:2, 85:6, 102:24, 105:4, 113:3, 113:5, 116:9, 116:14, 117:14, 119:1 <b>payments'</b> [1] - 85:7 <b>PDF</b> [2] - 43:4, 56:15 <b>Penley</b> [3] - 76:8, 76:12, 76:16 <b>Pennsylvania</b> [1] - 2:9
<b>O</b>	<b>Oakland</b> [1] - 2:4 <b>OATH</b> [1] - 122:1 <b>object</b> [4] - 15:2, 67:16, 86:2, 108:4 <b>objected</b> [2] - 5:21, 6:13 <b>objecting</b> [1] - 80:14 <b>objection</b> [9] - 5:20, 5:25, 11:3, 16:11, 47:10, 82:5, 82:22, 95:10, 96:12 <b>Objection</b> [30] - 11:23, 12:22, 15:24, 21:7, 21:25, 22:8, 23:17, 23:24, 28:11, 30:4, 34:12, 39:4, 55:11, 56:10, 60:23, 62:4, 83:25, 86:1, 87:6, 97:14, 98:15, 99:8, 105:5, 111:4, 113:24, 116:16, 117:9, 119:18, 120:4, 120:19 <b>objections</b> [4] - 6:14, 6:18, 6:22, 13:15 <b>observation</b> [1] - 103:4 <b>obtain</b> [5] - 41:12, 45:10, 91:10, 91:21, 93:22 <b>obtainable</b> [1] - 84:16 <b>obtained</b> [4] - 86:5, 89:11, 91:13, 92:2 <b>obtaining</b> [4] - 81:15, 89:15, 90:25, 91:8 <b>obviously</b> [3] - 70:16, 88:14, 111:11			

<p><b>performed</b> [1] - 63:8  <b>period</b> [12] - 23:13, 47:20, 48:12, 61:22, 74:9, 85:3, 90:10, 90:15, 90:17, 92:5, 99:7, 101:7  <b>periods</b> [2] - 91:18, 92:6  <b>permission</b> [1] - 59:13  <b>person</b> [5] - 5:16, 7:6, 59:25, 83:8, 88:19  <b>person's</b> [2] - 103:3, 103:13  <b>personal</b> [3] - 13:19, 73:23, 92:8  <b>personally</b> [1] - 73:4  <b>pertaining</b> [1] - 25:14  <b>petition</b> [29] - 20:11, 20:13, 20:15, 34:23, 57:1, 59:15, 59:17, 60:17, 69:15, 69:19, 70:19, 70:24, 72:5, 72:8, 72:11, 73:7, 74:5, 74:6, 74:7, 74:22, 75:13, 85:2, 102:23, 110:18, 113:13, 114:12, 116:9, 116:14, 120:9  <b>PHH</b> [65] - 3:11, 3:17, 3:20, 8:6, 9:11, 9:12, 9:16, 9:18, 9:20, 9:23, 10:4, 10:8, 10:11, 10:12, 10:15, 10:16, 10:18, 10:19, 10:20, 10:22, 11:1, 11:15, 11:18, 11:19, 11:21, 12:2, 12:6, 12:15, 14:1, 14:23, 15:17, 16:8, 18:25, 22:16, 22:18, 23:2, 25:15, 27:22, 31:1, 39:3, 43:5, 43:8, 43:9, 43:17, 43:20, 49:8, 53:1, 54:12, 56:16, 61:1, 67:4, 67:8, 77:14, 79:16, 80:7, 81:4, 82:1, 82:19, 83:1, 90:23, 95:5, 97:4, 97:6, 118:13  <b>PHH's</b> [22] - 12:21, 13:20, 19:5, 21:6, 21:10, 21:15, 21:23, 22:6, 23:15, 24:6, 24:18, 24:20, 26:16, 27:11, 27:12, 42:25, 77:16, 77:20, 80:23, 81:11, 82:3, 83:2</p>	<p><b>Philadelphia</b> [1] - 2:9  <b>phonetic</b> [1] - 32:5  <b>physical</b> [1] - 88:20  <b>physically</b> [1] - 66:7  <b>pick</b> [1] - 66:17  <b>picking</b> [1] - 64:11  <b>PLACE</b> [1] - 1:14  <b>place</b> [11] - 26:23, 32:10, 44:5, 46:2, 71:13, 71:22, 78:3, 102:23, 113:9, 116:8, 119:11  <b>placed</b> [13] - 19:7, 20:4, 21:10, 21:11, 22:14, 30:23, 38:22, 40:17, 59:23, 69:6, 69:8, 89:7, 116:1  <b>plaintiff</b> [2] - 4:16, 16:6  <b>Plaintiff</b> [1] - 2:5  <b>Plaintiffs</b> [3] - 3:8, 13:14, 15:19  <b>plan</b> [2] - 49:24, 105:3  <b>platform</b> [11] - 26:4, 26:15, 26:18, 26:25, 27:11, 27:13, 96:14, 96:24, 97:4, 98:11, 102:16  <b>play</b> [1] - 69:12  <b>plus</b> [1] - 3:15  <b>point</b> [8] - 21:6, 63:13, 65:24, 72:4, 73:12, 101:14, 103:8, 112:6  <b>points</b> [2] - 51:16, 81:17  <b>populate</b> [3] - 31:22, 35:19, 99:21  <b>populated</b> [4] - 29:15, 31:21, 53:14, 102:9  <b>populates</b> [1] - 33:25  <b>populating</b> [1] - 34:5  <b>portal</b> [3] - 101:7, 101:11, 102:14  <b>portals</b> [1] - 102:17  <b>portfolio</b> [1] - 76:18  <b>portion</b> [10] - 11:9, 17:24, 19:11, 20:6, 24:6, 24:10, 38:1, 43:15, 56:3, 100:10  <b>possibly</b> [4] - 46:9, 48:6, 48:24, 70:9  <b>post</b> [41] - 20:5, 20:11, 20:13, 20:15, 34:23, 46:9, 46:11, 48:6, 48:7, 48:10, 48:12, 51:23, 51:24, 57:1, 59:15, 59:17,</p>	<p>60:17, 69:15, 69:19, 70:19, 70:24, 72:5, 72:11, 73:7, 74:5, 74:6, 74:7, 74:22, 75:13, 85:2, 102:23, 110:18, 110:21, 113:13, 114:12, 116:9, 116:14, 117:12, 117:13, 117:14, 120:9  <b>post-discharge</b> [2] - 117:12, 117:14  <b>post-petition</b> [27] - 20:11, 20:13, 20:15, 34:23, 57:1, 59:17, 60:17, 69:15, 69:19, 70:19, 70:24, 72:5, 72:11, 73:7, 74:5, 74:6, 74:7, 74:22, 75:13, 85:2, 102:23, 110:18, 113:13, 114:12, 116:9, 116:14, 120:9  <b>posted</b> [15] - 34:6, 34:22, 34:23, 38:9, 38:13, 41:2, 41:10, 54:15, 58:5, 110:8, 111:2, 111:7, 113:7, 116:21  <b>posting</b> [4] - 34:22, 46:22, 47:2, 57:9  <b>posting/paying</b> [1] - 116:23  <b>postings</b> [2] - 54:6, 116:23  <b>posture</b> [1] - 82:14  <b>practice</b> [1] - 64:4  <b>pre</b> [4] - 72:8, 102:23, 116:9, 116:13  <b>pre-petition</b> [1] - 72:8  <b>preparation</b> [1] - 14:12  <b>prepare</b> [1] - 63:19  <b>prepared</b> [4] - 31:8, 32:18, 63:19, 63:20  <b>presented</b> [3] - 14:8, 98:13, 110:3  <b>preserve</b> [2] - 80:8, 82:19  <b>pretty</b> [5] - 31:13, 74:19, 85:17, 88:4, 113:19  <b>previous</b> [3] - 52:15, 68:16, 104:16  <b>previously</b> [3] - 9:15, 51:18, 81:13  <b>principal</b> [2] - 68:21, 115:19  <b>principle</b> [17] - 20:1,</p>	<p>26:12, 36:16, 36:21, 37:4, 38:6, 38:9, 38:21, 40:5, 42:10, 69:5, 69:23, 70:3, 74:13, 115:14, 115:17, 117:8  <b>print</b> [1] - 33:19  <b>printed</b> [4] - 26:20, 26:21, 26:22, 104:18  <b>privilege</b> [3] - 13:25, 86:14, 120:12  <b>proceed</b> [2] - 72:2, 112:3  <b>proceeding</b> [2] - 80:8, 121:12  <b>Proceeding</b> [1] - 1:5  <b>proceedings</b> [1] - 106:16  <b>process</b> [10] - 35:22, 56:8, 64:3, 65:13, 79:25, 89:25, 93:23, 93:24, 94:20, 96:5  <b>processed</b> [3] - 63:1, 63:4, 63:7  <b>processes</b> [4] - 54:1, 56:18, 99:13, 99:25  <b>processing</b> [2] - 60:11, 94:5  <b>produced</b> [25] - 5:23, 13:17, 14:2, 14:8, 14:14, 14:22, 16:8, 16:23, 17:5, 17:9, 17:12, 22:4, 25:3, 25:9, 29:12, 42:15, 79:1, 81:16, 86:7, 86:13, 90:21, 90:22, 94:1, 95:21, 96:1  <b>producing</b> [1] - 29:5  <b>production</b> [13] - 14:7, 14:12, 15:1, 15:4, 16:15, 17:12, 24:24, 79:2, 86:6, 86:11, 90:22, 118:9, 118:21  <b>Production</b> [7] - 3:12, 13:14, 13:21, 15:14, 15:19, 16:5, 16:9  <b>professionally</b> [1] - 107:12  <b>progress</b> [1] - 99:12  <b>progression</b> [2] - 99:18, 100:2  <b>proof</b> [4] - 71:16, 75:9, 87:18, 113:3  <b>Proof</b> [18] - 19:22, 24:12, 36:23, 37:16, 37:22, 38:18, 38:20, 39:19, 41:5, 50:5, 51:17, 55:21, 59:6,</p>	<p>68:24, 72:9, 99:19, 103:15, 108:11  <b>Property</b> [1] - 96:25  <b>protection</b> [5] - 70:14, 70:20, 72:22, 110:16, 113:11  <b>Protection</b> [2] - 72:16, 74:17  <b>provide</b> [1] - 105:14  <b>provided</b> [9] - 16:13, 16:19, 22:12, 27:10, 45:3, 58:16, 58:21, 62:14, 65:7  <b>Public</b> [1] - 123:7  <b>pull</b> [8] - 29:17, 31:21, 58:22, 78:5, 81:14, 84:6, 118:10  <b>pulled</b> [6] - 29:12, 29:20, 29:21, 32:22, 68:19, 83:9  <b>pulling</b> [2] - 29:4, 29:10  <b>purpose</b> [3] - 55:14, 55:22, 94:5  <b>purposes</b> [2] - 10:17, 32:22  <b>pursuant</b> [1] - 13:17  <b>pushed</b> [1] - 71:23  <b>put</b> [2] - 37:1, 68:15  <b>putting</b> [1] - 38:15  <b>PYMT0003</b> [1] - 62:3</p>
<b>Q</b>				
<p><b>QC</b> [2] - 62:19, 111:20  <b>qualified</b> [1] - 123:7  <b>questioning</b> [1] - 108:5  <b>questions</b> [6] - 16:24, 79:8, 108:19, 109:4, 109:9, 109:13</p>				
<b>R</b>				
<p><b>raised</b> [2] - 6:19, 94:14  <b>range</b> [1] - 48:11  <b>rate</b> [1] - 71:5  <b>rather</b> [2] - 63:17, 108:22  <b>re</b> [1] - 1:3  <b>Re</b> [1] - 3:11  <b>reached</b> [2] - 113:15  <b>read</b> [8] - 15:15, 67:11, 91:5, 100:15, 100:17, 100:18, 100:19, 104:4  <b>reader</b> [1] - 67:23  <b>reading</b> [2] - 4:4,</p>				



15:21  
**ready** [1] - 76:25  
**real** [1] - 97:2  
**Real** [43] - 27:1, 27:2, 29:5, 29:25, 30:2, 31:16, 31:25, 70:4, 77:19, 79:12, 79:13, 80:1, 80:4, 80:10, 80:11, 80:19, 82:18, 82:24, 83:21, 84:3, 84:5, 88:8, 88:25, 89:4, 96:25, 97:3, 97:6, 97:11, 97:20, 98:3, 98:11, 98:17, 99:20, 99:22, 100:23, 100:24, 100:25, 101:5, 101:11, 101:12, 102:9, 102:13  
**reality** [1] - 115:7  
**realize** [1] - 46:16  
**really** [6] - 71:6, 71:8, 82:12, 94:8, 94:18, 97:16  
**reapply** [1] - 52:4  
**reason** [3] - 61:11, 73:13, 94:18  
**receipt** [1] - 38:11  
**receive** [5] - 4:20, 45:1, 54:3, 55:20, 72:7  
**received** [35] - 22:13, 26:5, 34:6, 36:1, 36:14, 36:16, 41:1, 41:3, 41:10, 41:21, 44:10, 44:23, 46:10, 46:21, 47:3, 48:7, 48:8, 48:10, 48:23, 48:25, 50:2, 50:4, 54:16, 55:19, 69:16, 71:21, 75:5, 87:3, 89:13, 110:5, 111:20, 114:7, 114:10, 114:11, 116:20  
**receiving** [7] - 54:20, 56:25, 69:1, 85:2, 113:16, 114:6, 115:1  
**recess** [4] - 4:25, 35:3, 77:7, 109:5  
**RECOM** [2] - 53:2, 53:3  
**recommendation** [4] - 59:7, 59:22, 60:5, 60:13  
**RECON** [1] - 65:3  
**reconcile** [1] - 61:21  
**reconciliation** [44] - 25:23, 26:1, 33:9, 33:16, 33:17, 33:24, 34:11, 34:16, 39:16, 50:22, 50:25, 51:1,

51:6, 51:9, 51:10, 53:8, 53:24, 54:4, 54:18, 55:15, 56:9, 59:4, 60:7, 61:23, 62:24, 63:8, 63:11, 66:4, 66:5, 66:6, 66:15, 111:19, 112:3, 112:8, 112:9, 112:20, 112:22, 112:24, 113:22, 114:5, 118:4, 119:6, 119:10, 121:3  
**record** [12] - 5:21, 6:11, 22:10, 27:4, 33:13, 42:8, 68:20, 96:10, 96:17, 100:19, 116:12, 123:11  
**recorded** [2] - 20:22, 72:5  
**recording** [1] - 44:12  
**records** [69] - 3:15, 6:5, 7:1, 13:17, 14:11, 14:13, 14:15, 14:16, 14:17, 14:21, 14:22, 14:25, 16:23, 17:4, 17:10, 18:23, 18:25, 21:16, 21:23, 22:11, 22:16, 22:20, 22:21, 23:15, 24:5, 24:19, 26:16, 27:7, 27:10, 30:22, 39:18, 39:23, 41:19, 41:24, 41:25, 59:9, 68:24, 69:3, 80:9, 80:18, 80:23, 80:24, 81:8, 81:9, 81:24, 82:3, 82:7, 82:8, 82:14, 84:9, 91:17, 92:11, 92:18, 93:5, 93:13, 93:20, 93:21, 94:19, 94:22, 110:22, 111:3, 111:12, 115:8, 117:7, 119:20, 119:21, 119:25  
**records'** [1] - 22:6  
**redacted** [2] - 100:9, 102:21  
**redactions** [1] - 52:16  
**reduces** [1] - 9:3  
**refer** [16] - 9:12, 9:18, 10:15, 10:17, 18:3, 26:15, 44:13, 44:18, 49:22, 58:1, 60:2, 77:21, 90:2, 90:8, 108:13, 111:18  
**reference** [4] - 51:11, 108:1, 109:13, 114:16  
**referenced** [3] - 3:8, 49:17, 90:17  
**references** [1] -

111:18  
**referencing** [1] - 95:4  
**referral** [4] - 101:4, 101:21, 101:23, 102:1  
**Referral** [1] - 102:11  
**referred** [2] - 57:3, 79:18  
**referring** [15] - 9:23, 11:14, 18:4, 27:24, 43:3, 51:20, 64:23, 77:3, 83:1, 83:5, 96:20, 98:2, 100:24, 102:6, 103:15  
**refers** [9] - 43:8, 49:9, 49:20, 51:19, 53:24, 65:22, 66:24, 78:24, 101:24  
**reflect** [2] - 56:13, 119:6  
**reflected** [5] - 57:15, 117:15, 117:17, 118:3, 121:5  
**reflective** [1] - 117:11  
**reflects** [3] - 77:16, 97:20, 97:25  
**regard** [12] - 5:23, 6:12, 7:22, 7:24, 11:25, 25:7, 27:3, 67:13, 85:23, 95:7, 116:11, 121:3  
**regarding** [13] - 34:6, 44:11, 44:24, 45:8, 51:9, 85:5, 87:4, 87:9, 92:18, 94:14, 105:2, 117:2  
**regular** [3] - 72:20, 72:23, 74:22  
**reinstate** [1] - 76:4  
**reinstating** [1] - 71:6  
**REJ** [1] - 65:4  
**rejected** [3] - 62:18, 110:5, 111:20  
**relate** [6] - 6:5, 26:9, 81:9, 89:23, 109:23, 119:15  
**related** [8] - 14:10, 24:20, 24:25, 25:16, 85:21, 86:11, 87:11, 117:17  
**relates** [9] - 3:22, 24:6, 44:3, 51:17, 61:22, 62:7, 89:21, 93:12, 119:17  
**relating** [2] - 104:8, 116:12  
**relation** [1] - 9:25  
**relationship** [2] - 10:3, 12:1

**relative** [2] - 123:13, 123:15  
**released** [1] - 92:3  
**reliance** [1] - 42:7  
**relief** [1] - 71:1  
**Relief** [9] - 69:10, 69:13, 69:21, 70:2, 72:13, 74:11, 74:15, 74:16, 101:25  
**rely** [1] - 16:12  
**remain** [3] - 20:8, 82:4, 97:3  
**remains** [1] - 72:9  
**remedy** [2] - 70:22, 76:2  
**remember** [3] - 107:16, 108:16, 118:5  
**remove** [1] - 19:23  
**removed** [5] - 19:7, 19:13, 20:3, 24:8, 24:14  
**removing** [1] - 61:23  
**reopened** [1] - 79:5  
**repeat** [1] - 8:24  
**report** [33] - 21:19, 21:22, 22:7, 26:2, 26:24, 29:4, 29:10, 29:16, 29:18, 29:20, 30:1, 30:9, 30:11, 30:15, 31:7, 32:1, 32:18, 33:14, 33:19, 33:20, 34:2, 34:18, 52:9, 78:6, 81:14, 90:1, 90:3, 90:4, 90:6, 90:8, 91:21, 101:9, 123:9  
**reported** [6] - 37:17, 41:5, 41:11, 68:10, 75:24, 115:3  
**Reporter** [5] - 1:17, 4:9, 122:15, 123:6, 123:22  
**reporter** [1] - 91:5  
**REPORTERS** [1] - 1:20  
**reporting** [2] - 93:4, 115:10  
**reports** [12] - 29:19, 77:24, 84:6, 89:21, 90:20, 90:23, 91:18, 92:7, 93:18, 94:6, 94:8, 94:10  
**Reports** [1] - 3:22  
**represent** [1] - 4:16  
**representative** [2] - 93:1, 108:2  
**Request** [7] - 3:12, 13:14, 13:20, 15:13, 15:19, 16:5, 16:9  
**request** [16] - 3:14,

14:1, 17:13, 18:21, 23:10, 24:24, 25:8, 25:11, 25:12, 32:5, 51:21, 53:9, 58:3, 86:15, 109:22, 110:10  
**requested** [2] - 55:7, 56:8  
**requesting** [2] - 79:11, 79:16  
**requests** [2] - 75:5, 86:19  
**requirements** [1] - 100:3  
**research** [6] - 32:4, 32:20, 58:3, 58:22, 68:15, 93:4  
**researched** [1] - 110:13  
**RESERVED** [1] - 4:5  
**residential** [2] - 63:3, 63:16  
**resolution** [1] - 110:10  
**Resolution** [4] - 100:25, 101:6, 101:11  
**resolved** [1] - 73:16  
**respect** [107] - 5:17, 6:2, 8:4, 8:8, 8:10, 11:7, 11:8, 11:20, 13:12, 14:9, 14:18, 14:20, 15:3, 16:22, 19:10, 19:12, 23:7, 23:11, 26:6, 26:8, 26:16, 29:9, 30:17, 31:24, 34:21, 34:22, 36:16, 36:20, 38:14, 39:13, 39:18, 39:24, 39:25, 40:8, 40:12, 40:25, 41:9, 41:24, 42:7, 45:22, 45:23, 46:8, 50:3, 50:23, 51:16, 52:13, 54:5, 59:6, 59:7, 59:9, 60:17, 61:15, 61:18, 61:23, 62:17, 63:11, 63:22, 64:7, 64:18, 64:20, 69:25, 72:17, 74:21, 75:9, 79:8, 79:10, 79:23, 80:2, 80:25, 81:7, 81:19, 82:6, 82:9, 82:17, 82:23, 83:6, 83:12, 83:17, 84:9, 84:13, 85:13, 87:8, 87:13, 87:22, 89:5, 89:9, 91:25, 92:17, 93:23, 94:7, 98:17, 98:21, 98:25, 99:10, 99:16, 99:17, 100:22, 101:19, 102:7,



<p>102:10, 105:7, 105:12, 114:1, 115:21, 119:11, 119:20, 120:11 <b>Respect</b> [1] - 9:10 <b>respective</b> [1] - 4:3 <b>respond</b> [7] - 12:25, 14:5, 39:5, 50:3, 54:14, 55:24, 58:10 <b>responded</b> [2] - 16:21, 17:14 <b>responding</b> [1] - 119:11 <b>Response</b> [2] - 15:18, 62:17 <b>response</b> [19] - 5:13, 7:4, 12:21, 13:12, 13:20, 14:9, 14:18, 16:4, 22:23, 32:20, 49:18, 50:24, 54:21, 54:25, 55:10, 56:6, 57:15, 117:18, 121:6 <b>Responses</b> [1] - 3:12 <b>responsible</b> [1] - 93:2 <b>responsive</b> [3] - 14:1, 16:8, 17:5 <b>results</b> [1] - 119:10 <b>resume</b> [1] - 35:1 <b>retired</b> [1] - 82:18 <b>retiring</b> [1] - 45:13 <b>returned</b> [4] - 110:6, 110:25, 111:1, 111:6 <b>revealing</b> [1] - 95:15 <b>reverified</b> [1] - 110:13 <b>reversal</b> [5] - 50:22, 51:21, 53:9, 56:18, 62:5 <b>reversals</b> [1] - 55:7 <b>reverse</b> [2] - 34:14, 51:22 <b>review</b> [18] - 6:22, 18:16, 41:22, 41:23, 54:5, 54:23, 54:25, 56:2, 59:4, 59:18, 60:10, 64:1, 75:7, 104:14, 112:14, 113:21, 116:12, 117:6 <b>reviewed</b> [12] - 6:24, 14:11, 14:15, 14:16, 54:21, 56:12, 73:4, 74:3, 112:23, 117:4, 118:7, 118:21 <b>reviewing</b> [5] - 32:22, 51:16, 73:20, 89:24, 93:2 <b>Reynolds</b> [4] - 1:17, 122:15, 123:6, 123:22 <b>rise</b> [1] - 94:9</p>	<p><b>risk</b> [8] - 90:4, 90:5, 90:20, 91:9, 91:17, 91:22, 92:6, 92:18 <b>Robin</b> [4] - 1:17, 122:15, 123:6, 123:22 <b>role</b> [2] - 106:13, 106:20 <b>Rome</b> [1] - 2:8 <b>root</b> [2] - 90:3, 90:8 <b>root-cause</b> [2] - 90:3, 90:8 <b>running</b> [1] - 26:12 <b>RVRQ</b> [1] - 53:13</p> <p style="text-align: center;"><b>S</b></p> <p><b>save</b> [1] - 36:9 <b>saved</b> [1] - 88:19 <b>saw</b> [1] - 12:16 <b>scheduled</b> [1] - 5:11 <b>scope</b> [2] - 95:13, 108:6 <b>screenshot</b> [1] - 89:6 <b>screenshots</b> [2] - 88:24, 89:3 <b>scroll</b> [1] - 90:14 <b>seal</b> [1] - 122:10 <b>second</b> [3] - 17:13, 103:8, 107:24 <b>Second</b> [5] - 3:12, 15:13, 15:19, 16:5, 16:9 <b>section</b> [7] - 3:15, 18:23, 19:7, 19:10, 19:16, 19:19, 34:1 <b>secured</b> [2] - 96:25, 102:16 <b>See</b> [1] - 78:10 <b>see</b> [38] - 17:20, 19:8, 24:12, 30:14, 32:16, 32:21, 37:12, 39:9, 40:13, 40:15, 41:2, 43:4, 44:16, 46:15, 53:8, 53:10, 55:4, 56:17, 56:20, 56:22, 57:24, 60:12, 61:9, 64:13, 65:5, 65:16, 79:3, 98:23, 100:12, 101:24, 102:4, 103:23, 104:2, 109:4, 109:16, 116:13, 118:17, 119:2 <b>seeing</b> [2] - 37:8, 37:9 <b>send</b> [5] - 25:11, 46:14, 63:19, 66:12, 101:25 <b>sending</b> [4] - 58:8, 59:7, 99:25, 113:3 <b>senior</b> [2] - 89:23,</p>	<p>108:2 <b>Senior</b> [2] - 92:22, 106:21 <b>sense</b> [3] - 32:12, 76:20, 76:22 <b>sent</b> [13] - 22:15, 44:9, 58:12, 60:8, 64:19, 64:21, 66:21, 71:15, 87:3, 99:1, 100:5, 101:21, 102:11 <b>sentence</b> [8] - 68:12, 100:18, 102:21, 103:5, 103:11, 103:14, 103:21, 116:11 <b>separate</b> [2] - 19:24, 20:4 <b>separated</b> [1] - 115:16 <b>September</b> [10] - 49:10, 50:13, 50:19, 56:5, 56:9, 57:22, 62:11, 63:8, 65:1, 65:3 <b>series</b> [3] - 56:17, 70:11, 70:12 <b>served</b> [1] - 82:1 <b>server</b> [4] - 85:11, 85:12, 85:18, 85:25 <b>service</b> [5] - 22:12, 23:1, 27:9, 27:22, 45:12 <b>serviced</b> [3] - 28:23, 44:4, 44:25 <b>servicer</b> [12] - 16:19, 18:5, 22:21, 35:14, 35:17, 36:1, 46:10, 47:3, 48:25, 58:6, 81:1 <b>servicer's</b> [7] - 22:19, 23:4, 45:13, 58:7, 58:18, 58:21, 58:23 <b>Services</b> [3] - 10:21, 10:22, 11:1 <b>Servicing</b> [67] - 3:18, 7:16, 7:18, 7:21, 8:4, 8:5, 8:6, 8:9, 8:16, 9:16, 9:17, 10:8, 10:9, 10:11, 11:11, 11:18, 11:20, 14:23, 15:18, 22:17, 23:2, 26:4, 26:14, 27:1, 27:3, 29:6, 29:25, 30:3, 31:16, 31:25, 43:19, 70:4, 77:19, 79:13, 80:2, 80:4, 80:10, 80:11, 80:19, 81:10, 82:18, 82:24, 83:22, 84:3, 84:5, 88:8,</p>	<p>88:25, 89:4, 97:2, 97:3, 97:6, 97:11, 97:20, 98:3, 98:11, 98:17, 99:20, 99:22, 100:23, 101:5, 101:12, 102:9, 102:14, 120:14 <b>servicing</b> [36] - 10:7, 10:9, 11:9, 11:16, 11:17, 11:19, 18:6, 18:8, 23:13, 24:5, 26:18, 26:19, 27:11, 27:12, 30:20, 30:24, 32:17, 35:22, 36:6, 43:22, 44:3, 44:5, 44:12, 68:11, 77:14, 83:2, 83:4, 84:12, 84:13, 92:14, 93:10, 96:13, 96:24, 97:4, 111:13 <b>Servicing's</b> [1] - 29:24 <b>Serving</b> [1] - 31:5 <b>set</b> [6] - 24:11, 29:19, 57:4, 57:7, 100:16, 118:9 <b>setting</b> [1] - 38:14 <b>setup</b> [5] - 29:18, 35:23, 39:11, 58:16, 58:17 <b>seven</b> [1] - 37:9 <b>seventh</b> [1] - 28:5 <b>several</b> [3] - 45:19, 46:5, 71:23 <b>share</b> [1] - 4:21 <b>sheets</b> [2] - 79:15, 79:20 <b>shell</b> [11] - 44:15, 45:1, 45:10, 45:18, 46:4, 47:7, 47:15, 47:25, 48:17, 48:19, 49:2 <b>short</b> [3] - 34:24, 73:10, 75:1 <b>shortage</b> [1] - 37:4 <b>show</b> [1] - 110:8 <b>showed</b> [1] - 109:24 <b>showing</b> [1] - 117:12 <b>shown</b> [3] - 25:6, 36:4, 39:10 <b>side</b> [1] - 102:22 <b>signature</b> [1] - 76:16 <b>signing</b> [1] - 4:4 <b>similar</b> [3] - 29:10, 34:3, 54:10 <b>simplicity</b> [1] - 60:2 <b>simultaneously</b> [1] - 115:9 <b>single</b> [5] - 24:21, 65:24, 71:18, 114:3,</p>	<p>114:4 <b>sitting</b> [1] - 86:8 <b>six</b> [2] - 37:9, 73:11 <b>sixth</b> [1] - 36:15 <b>someone</b> [1] - 67:17 <b>somewhere</b> [1] - 107:17 <b>sooner</b> [1] - 35:1 <b>Sorry</b> [2] - 50:14, 57:6 <b>sorry</b> [10] - 7:11, 12:8, 19:13, 44:23, 45:17, 67:7, 78:10, 78:16, 78:18, 103:24 <b>sort</b> [2] - 23:22, 102:15 <b>source</b> [3] - 86:7, 89:14, 105:12 <b>sourcing</b> [1] - 87:21 <b>space</b> [1] - 70:4 <b>speaks</b> [1] - 65:22 <b>specific</b> [1] - 104:10 <b>specifically</b> [2] - 6:18, 111:17 <b>speculate</b> [2] - 67:17, 74:1 <b>speed</b> [1] - 89:18 <b>split</b> [5] - 67:14, 68:13, 69:4, 114:21, 115:2 <b>spread</b> [1] - 116:21 <b>spreadsheet</b> [1] - 104:17 <b>Square</b> [1] - 2:8 <b>stage</b> [5] - 29:7, 54:19, 81:12, 113:15 <b>stage-five</b> [1] - 81:12 <b>staging</b> [7] - 29:7, 29:8, 29:13, 29:17, 31:17, 31:18, 31:19 <b>stamp</b> [14] - 42:23, 43:6, 43:8, 43:9, 54:11, 56:16, 58:15, 58:25, 61:2, 61:6, 67:4, 78:15, 118:13, 119:1 <b>stamped</b> [8] - 13:16, 14:14, 14:22, 39:3, 49:8, 50:11, 50:16, 87:2 <b>standard</b> [1] - 63:16 <b>stands</b> [1] - 8:15 <b>start</b> [4] - 35:24, 36:24, 42:22, 56:18 <b>started</b> [3] - 46:23, 85:4, 97:9 <b>starters</b> [1] - 47:23 <b>starting</b> [1] - 43:5 <b>starts</b> [8] - 51:2, 51:8, 52:12, 52:22,</p>
--	--	---	---	---

53:12, 56:3, 57:8, 103:21 <b>STATE</b> [2] - 122:3, 123:3 <b>state</b> [9] - 6:19, 7:8, 14:11, 30:10, 37:20, 63:21, 96:2, 100:19 <b>State</b> [1] - 123:8 <b>statement</b> [5] - 44:7, 44:9, 77:21, 77:25, 100:1 <b>statements</b> [1] - 34:1 <b>STATES</b> [1] - 1:1 <b>states</b> [1] - 12:17 <b>stating</b> [1] - 40:2 <b>station</b> [1] - 78:4 <b>status</b> [1] - 70:24 <b>stay</b> [3] - 35:6, 69:14, 71:1 <b>Stay</b> [1] - 72:13 <b>staying</b> [1] - 62:10 <b>stemmed</b> [3] - 72:15, 72:20, 74:11 <b>stenographically</b> [1] - 123:9 <b>step</b> [1] - 65:12 <b>steps</b> [3] - 53:25, 80:6, 82:2 <b>sticking</b> [1] - 86:22 <b>still</b> [13] - 11:19, 37:17, 40:9, 40:10, 72:6, 73:9, 74:25, 75:2, 78:18, 81:22, 82:15, 97:22, 99:23 <b>stipulated</b> [1] - 4:2 <b>stopped</b> [4] - 69:14, 70:13, 70:15, 73:19 <b>stopping</b> [2] - 66:19, 66:20 <b>stops</b> [2] - 53:6, 53:7 <b>straight</b> [1] - 5:3 <b>stream</b> [1] - 36:9 <b>Street</b> [1] - 2:9 <b>strictly</b> [1] - 46:24 <b>strike</b> [2] - 39:6, 85:21 <b>string</b> [2] - 67:25, 68:1 <b>subject</b> [4] - 17:11, 87:12, 87:13, 87:17 <b>subjects</b> [1] - 5:18 <b>submitted</b> [4] - 64:2, 110:21, 113:5, 121:5 <b>submitting</b> [1] - 101:9 <b>subsequent</b> [1] - 60:13 <b>subsequently</b> [3] - 22:17, 41:15, 41:16 <b>subset</b> [2] - 34:10,	34:16 <b>subsidiary</b> [5] - 10:6, 10:24, 11:8, 11:22, 12:3 <b>Successor</b> [1] - 15:17 <b>summation</b> [2] - 68:3, 71:25 <b>sums</b> [2] - 19:14, 54:7 <b>supposed</b> [1] - 55:20 <b>surmise</b> [1] - 68:7 <b>suspect</b> [1] - 87:15 <b>switched</b> [1] - 101:14 <b>sworn</b> [2] - 4:8, 122:9 <b>System</b> [1] - 3:22 <b>system</b> [47] - 4:22, 14:16, 20:22, 20:24, 21:6, 21:10, 21:12, 22:6, 22:11, 22:20, 23:3, 23:8, 24:5, 26:15, 30:23, 31:13, 33:18, 35:16, 35:20, 36:1, 37:2, 38:22, 40:17, 41:19, 45:11, 45:15, 48:3, 52:8, 57:19, 68:20, 75:24, 77:20, 78:5, 81:6, 81:11, 81:18, 83:1, 84:11, 84:14, 85:9, 88:16, 89:21, 95:8, 96:10, 96:17, 103:6, 110:23 <b>systems</b> [4] - 68:24, 79:14, 80:25, 98:22	<b>terms</b> [1] - 117:6 <b>testified</b> [12] - 73:13, 85:25, 106:15, 106:21, 106:24, 107:6, 109:22, 114:18, 115:22, 117:7, 118:22, 119:6 <b>testify</b> [3] - 4:10, 106:19, 122:9 <b>testimony</b> [9] - 5:17, 6:9, 11:4, 65:21, 108:1, 108:14, 112:1, 118:5, 123:12 <b>text</b> [2] - 89:2, 100:15 <b>THE</b> [2] - 1:1, 1:1 <b>there're</b> [1] - 52:16 <b>thereafter</b> [1] - 74:23 <b>Third</b> [4] - 3:11, 8:23, 8:25, 12:18 <b>third</b> [4] - 47:8, 47:16, 78:12, 81:21 <b>third-party</b> [1] - 81:21 <b>thirds</b> [2] - 57:21, 107:25 <b>three</b> [3] - 28:6, 36:13, 36:25 <b>throughout</b> [2] - 50:1, 68:17 <b>TIME</b> [1] - 1:13 <b>time-period</b> [1] - 92:5 <b>timeframe</b> [2] - 84:25, 87:23 <b>timeline</b> [1] - 101:19 <b>timelines</b> [1] - 104:10 <b>timely</b> [3] - 102:24, 116:10, 116:14 <b>timing</b> [3] - 73:6, 79:10, 113:16 <b>title</b> [6] - 15:15, 15:21, 77:22, 77:23, 92:20, 106:9 <b>titled</b> [1] - 5:5 <b>today</b> [3] - 5:12, 5:13, 86:8 <b>together</b> [3] - 19:16, 52:3, 80:1 <b>took</b> [5] - 46:1, 64:17, 69:4, 71:22, 115:25 <b>top</b> [13] - 18:10, 19:11, 24:10, 51:7, 51:8, 52:12, 52:25, 53:5, 53:16, 53:20, 58:15, 59:3, 61:14 <b>topic</b> [1] - 94:1 <b>topics</b> [3] - 6:3, 6:6,	7:2 <b>total</b> [1] - 24:18 <b>totals</b> [1] - 26:12 <b>toward</b> [1] - 120:9 <b>towards</b> [5] - 41:4, 51:23, 51:25, 115:11, 115:13 <b>track</b> [2] - 68:25, 113:12 <b>tracking</b> [2] - 101:3, 102:7 <b>trailing</b> [1] - 87:16 <b>transaction</b> [55] - 3:15, 18:23, 19:5, 19:8, 19:15, 19:24, 20:4, 20:7, 20:21, 20:23, 22:21, 23:4, 23:12, 24:9, 24:14, 26:3, 27:21, 28:22, 29:21, 31:3, 31:12, 32:6, 32:9, 32:15, 33:9, 33:19, 36:25, 37:10, 37:15, 38:12, 38:16, 41:13, 42:2, 42:12, 42:13, 45:19, 47:22, 48:8, 48:21, 58:7, 58:13, 58:19, 60:21, 62:7, 68:19, 79:23, 83:13, 83:18, 84:7, 89:5, 110:9, 111:7, 115:6, 115:24, 116:22 <b>Transaction</b> [7] - 3:16, 29:22, 33:6, 33:11, 34:4, 34:9, 34:17 <b>transactions</b> [8] - 26:22, 28:8, 36:3, 36:10, 36:12, 36:19, 39:11, 46:9 <b>transcript</b> [3] - 20:18, 20:25, 123:11 <b>transfer</b> [5] - 18:9, 22:13, 30:20, 31:1, 77:17 <b>transferred</b> [6] - 18:6, 23:2, 27:9, 44:25, 80:20, 81:10 <b>transition</b> [1] - 47:21 <b>transmits</b> [1] - 102:16 <b>transpired</b> [1] - 72:1 <b>transported</b> [1] - 84:10 <b>Trial</b> [1] - 108:11 <b>trials</b> [2] - 93:9, 106:23 <b>tried</b> [2] - 73:8, 74:24 <b>trigger</b> [1] - 66:9 <b>true</b> [1] - 123:11	<b>truncated</b> [1] - 51:3 <b>truncation</b> [1] - 52:6 <b>trustee</b> [12] - 20:6, 34:22, 38:7, 41:1, 49:23, 52:3, 54:2, 57:1, 69:2, 113:17, 114:7, 115:13 <b>trustee's</b> [6] - 39:19, 50:12, 50:18, 54:17, 115:12, 117:19 <b>trustees'</b> [1] - 115:8 <b>truth</b> [1] - 122:9 <b>try</b> [3] - 14:3, 34:25, 70:7 <b>trying</b> [9] - 17:20, 25:3, 52:19, 55:4, 68:7, 70:20, 70:22, 110:16, 113:11 <b>turn</b> [6] - 9:2, 49:6, 58:24, 67:3, 100:7, 109:10 <b>two</b> [16] - 18:19, 19:15, 36:24, 40:4, 47:19, 53:1, 54:1, 57:21, 58:24, 68:23, 69:16, 74:7, 75:1, 107:25, 117:13 <b>two-thirds</b> [1] - 57:21 <b>type</b> [23] - 14:7, 39:23, 44:4, 45:3, 70:22, 73:22, 80:21, 81:17, 82:25, 89:11, 91:25, 92:10, 92:14, 93:11, 93:21, 94:9, 94:13, 98:25, 100:4, 101:10, 101:17, 104:8 <b>types</b> [1] - 99:18
<b>T</b>				
<b>table</b> [4] - 29:8, 29:13, 31:17, 31:19 <b>tables</b> [4] - 29:18, 31:18, 81:12, 84:4 <b>tact</b> [1] - 84:12 <b>takeaway</b> [1] - 73:22 <b>talks</b> [2] - 53:8, 102:15 <b>Tanner</b> [2] - 105:17, 105:19 <b>task</b> [2] - 88:20 <b>team</b> [8] - 35:23, 60:7, 62:24, 64:23, 91:10, 91:23, 92:23, 112:9 <b>technical</b> [1] - 91:2 <b>template</b> [1] - 99:14 <b>ten</b> [3] - 34:25, 35:2, 77:6 <b>term</b> [1] - 90:5				
<b>U</b>				
<b>U.S</b> [3] - 1:7, 3:11, 9:10 <b>ultimately</b> [4] - 38:1, 44:25, 75:5, 113:20 <b>un-redacted</b> [1] - 100:9 <b>under</b> [22] - 13:24, 22:14, 25:10, 34:1, 36:23, 37:7, 40:5, 44:13, 49:24, 50:5, 62:3, 65:1, 73:17, 76:3, 78:2, 79:12, 79:16, 81:4, 83:2, 86:16, 86:20, 107:4 <b>under-estimation</b> [1] - 107:4 <b>underlying</b> [9] - 31:24, 81:8, 81:12, 81:23, 83:17, 84:4,				

<p>89:25, 94:5, 99:22  <b>underneath</b> [1] - 40:21  <b>undersigned</b> [1] - 122:6  <b>undertake</b> [1] - 82:2  <b>unfortunately</b> [3] - 4:22, 73:2, 73:18  <b>unit</b> [16] - 49:16, 62:20, 63:17, 64:6, 65:11, 65:12, 65:19, 65:20, 66:5, 76:11, 76:12, 93:16, 101:8, 105:15, 120:8  <b>UNITED</b> [1] - 1:1  <b>units</b> [3] - 32:7, 35:24, 105:8  <b>unpaid</b> [6] - 26:12, 37:4, 38:6, 69:23, 74:13  <b>up</b> [61] - 5:5, 7:7, 8:18, 9:5, 12:11, 13:6, 15:7, 17:15, 18:11, 22:22, 22:24, 25:18, 29:4, 29:19, 31:21, 32:13, 32:25, 35:11, 38:15, 40:14, 40:18, 41:6, 42:25, 43:10, 44:20, 44:22, 46:20, 48:15, 48:20, 53:16, 55:19, 56:4, 57:6, 64:11, 66:17, 70:3, 70:12, 71:2, 71:23, 73:9, 74:18, 74:22, 75:11, 77:5, 77:10, 78:5, 81:6, 84:18, 89:18, 98:20, 102:1, 102:2, 102:3, 102:4, 104:22, 107:20, 109:20, 115:25, 117:24, 118:10, 120:24  <b>upload</b> [1] - 45:14  <b>uploaded</b> [3] - 22:24, 23:1, 23:3  <b>upper</b> [2] - 89:24, 92:2  <b>user</b> [11] - 59:21, 59:24, 60:1, 60:3, 62:12, 65:2, 78:9, 78:10, 88:11  <b>users</b> [1] - 98:10  <b>utilized</b> [6] - 32:4, 35:23, 69:25, 81:20, 82:24, 101:7</p>	<p><b>various</b> [7] - 35:24, 39:11, 44:12, 51:15, 56:20, 99:10, 119:9  <b>VENKATMU</b> [1] - 59:24  <b>verification</b> [5] - 35:25, 41:14, 75:23, 93:5, 113:4  <b>verified</b> [2] - 110:13, 110:20  <b>verify</b> [8] - 24:22, 50:2, 58:7, 58:8, 75:19, 91:22, 92:15, 93:9  <b>via</b> [1] - 122:8  <b>Via</b> [1] - 1:14  <b>video</b> [2] - 9:2, 36:9  <b>Videoconference</b> [1] - 1:14  <b>videoconference</b> [1] - 122:8  <b>view</b> [2] - 94:21, 100:14  <b>viewing</b> [1] - 118:2  <b>vs</b> [1] - 1:6</p>	<p>65:16, 65:18, 66:11, 111:19  <b>work-flows</b> [1] - 65:14  <b>works</b> [1] - 106:6  <b>worksheet</b> [3] - 83:6, 83:16  <b>worksheets</b> [4] - 78:24, 78:25, 79:9, 117:2  <b>wrote</b> [2] - 103:14, 104:3</p>
<b>Y</b>		
<p><b>years</b> [2] - 73:16, 94:4  <b>yes</b> [1] - 120:25  <b>yourself</b> [1] - 100:19</p>		
<b>Z</b>		
<p><b>Zoom</b> [1] - 91:7</p>		

<b>W</b>
<p><b>waiting</b> [1] - 113:17  <b>waive</b> [1] - 38:2  <b>waived</b> [1] - 79:25  <b>ways</b> [1] - 98:14  <b>weeks</b> [2] - 45:19, 46:5  <b>WENDELL</b> [1] - 2:2  <b>Wendell</b> [3] - 2:3, 4:15, 118:18  <b>West</b> [1] - 106:4  <b>whatsoever</b> [1] - 110:9  <b>whole</b> [5] - 55:14, 55:22, 73:21, 75:12, 122:9  <b>window</b> [1] - 48:4  <b>windows</b> [1] - 77:1  <b>withheld</b> [2] - 13:24, 15:1  <b>WITNESS</b> [1] - 122:10  <b>Witness</b> [1] - 3:2  <b>witness</b> [15] - 1:16, 4:4, 4:5, 4:20, 5:23, 6:12, 6:16, 6:17, 6:19, 25:7, 67:19, 99:9, 108:7, 122:7, 123:12  <b>word</b> [1] - 68:4  <b>words</b> [2] - 22:25, 67:14  <b>work-flow</b> [8] - 58:8, 62:16, 62:23, 65:10,</p>

<b>V</b>
<p><b>vague</b> [1] - 97:22  <b>variances</b> [1] - 41:19</p>